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GENERAL LAWS,

PRIVATE ACTS, JOINT RESOLUTIONS, AND MEMORIALS,

PASSED AT THE

TENTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF COLORADO,

CONVENED AT DENVER, ON THE FIFTH DAY OF JANUARY, A D 1874

TOGETHER WITH THE CONSTITUTION OF THE UNITED STATES,

AND THE

ORGANIC ACT OF THE TERRITORY,

WITH ALL THE AMENDMENTS THERETO

PUBLISHED BY AUTHORITY

CENTRAL CITY
REGISTER PRINTING HOUSE
1874.

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TERRITORY OF COLORADO, } ss.
SECRETARY'S OFFICE. }

THIS IS TO CERTIFY, That I, FRANK HALL, Secretary of the Territory of Colorado, have, this fourteenth day of February, A. D. 1874, entered into contract with WARREN W. WHIPPLE, Public Printer, whereby the said WHIPPLE is to print and bind in pamphlet form one thousand copies of the LAWS enacted by the Tenth Legislative Assembly, together with two hundred and fifty copies each of the JOURNALS of the Council and House of Representatives of said Tenth Session, and that I have delivered to said WARREN W. WHIPPLE, Public Printer, true and correct copies of all LAWS, JOINT RESOLUTIONS, and MEMORIALS now on file in my office, passed at the Tenth Session of the Legislative Assembly of the Territory of Colorado, and also duplicate copies of the JOURNALS of the Council and House of Representatives.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the Territory.

Done at Denver, this fourteenth day of February, A. D. 1874.

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Secretary of Colorado.

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CONSTITUTION OF THE UNITED STATES.

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America.

ARTICLE I.

SECTION I.

1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

1. The House of Representatives shall be composed of members chosen every second year, by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this union, according to their respective numbers, which shall be

determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New-Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

SECTION III.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years, and each Senator shall have one vote.

2. Immediately after they shall be assembled, in consequence of the first election, they shall be divided, as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate; but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION IV.

1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State, by the legislature thereof, but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller num-

ber may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with a concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to other place than that in which the two Houses shall be sitting.

SECTION VI.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

SECTION VII.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it with his objections, to that House in which it shall have originated, who shall enter the objections, at large, on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays; and the names of persons voting for and against the bill, shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power,

1. To lay and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish post offices and post roads:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the supreme court. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations:

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

11. To raise and support armies; but no appropriation of money to that use, shall be for a longer term than two years:

12. To provide and maintain a navy:

13. To make rules for the government and regulation of the land and naval forces:

14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

15. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

16. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards and other needful buildings: and

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECTION IX.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for such person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder or ex post facto law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of Congress, accept any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECTION X.

1. No State shall enter into any treaty, alliance or confederation; grant letters of marque or reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto

law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION I.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest

number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors, shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased or diminished during the period for which he shall have been elected, and he shall not receive, within that period, any other emolument from the United States, or any of them.

8. Before he enters on the execution of his office, he shall take the following oath or affirmation:

9. "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

SECTION II.

1. The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States. He may require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECTION III.

1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between

them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION IV.

1. The President and Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish.

The Judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II.

1. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States: between citizens of the same State, claiming lands under grants of different States, and between a State or the citizens thereof and foreign States, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Su-

preme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appelate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by a jury; and such trial shall be held in the State where the said crime shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies; giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION I.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION II.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION IV.

1. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V.

1. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment, which may be made prior to the year one thou-

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sand eight hundred and eight, shall in any manner affect the first and fourth clauses of the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States, under this constitution, as under the confederation.

2. This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby; anything in the constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several legislatures, and all executive and judicial officers, both of the United States and of the several States shall be bound, by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

1. The ratification of the conventions of nine States shall be sufficient for the establishment of this constitution between the States so ratifying the same.

Done in convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord, one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth.

In witness whereof we have hereunto subscribed our names.

GEO. WASHINGTON, PRESIDENT, *and Deputy from Virginia.*

New Hampshire:
John Langdon,
Nicholas Gilman,

Connecticut:
John Dickinson,
Richard Bassett,
Jacob Broom.

New York:
Wm. Samuel Johnson,
Roger Sherman.

New Jersey:
Alexander Hamilton.

Pennsylvania.
William Livingston,
David Brearley,
William Paterson,
Jonathan Dayton.

Delaware:
Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouverneur Morris.

Geo. Reed,
Gunning Bedford, Jr.

Massachusetts:
Nathaniel Gorham,
Rufus King.

Maryland:
James McHenry,
Daniel of St. Thomas Jenifer,
Daniel Carroll.

Virginia:
John Blair,
James Madison, Jr.

North Carolina:
William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

South Carolina:
John Rutledge,
C. Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

Georgia:
William Few,
Abraham Baldwin

ATTEST WILLIAM JACKSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

1. Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the government for the redress of grievances.

ARTICLE II.

1. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

1. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

ARTICLE IV.

1. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

1. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

1. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

ARTICLE VII.

1. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

1. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

1. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

1. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

1. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

1. The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State as themselves; they shall name in their ballots the person voted for as President; and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a president whenever the

right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other Constitutional disability of the President.

2. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.

ARTICLE XIII.

1. Neither slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United

States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of Representatives therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations, and claims shall be held illegal and void.

5. That Congress have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

2. Congress shall have power to enforce this article by appropriate legislation.

ORGANIC ACT.

AN ACT.

TO PROVIDE A TEMPORARY GOVERNMENT FOR THE TERRITORY OF COLORADO.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the territory of the United States included within the following limits, viz: commencing on the thirty-seventh parallel of north latitude, where the twenty-fifty meridian of longitude west from Washington crosses the same; thence north on said meridian to the forty-first parallel of north latitude; thence along said parallel west to the thirty-second meridian of longitude west from Washington; thence south on said meridian to the northern line of New Mexico; thence along the thirty-seventh parallel of north latitude to the place of beginning; be and the same is hereby erected into a temporary government by the name of the Territory of Colorado: *Provided*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Colorado, until said tribe shall signify their assent to the Presi-

dent of the United States to be included within the said Territory, or to affect the authority of the government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent for the government to make, if this act had never passed: *Provided further*, That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion thereof to any other Territory or State.

SEC. 2. *And be it further enacted*, That the executive power and authority in and over said Territory of Colorado shall be vested in a Governor, who shall hold his office four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within said Territory, shall be Commander-in-Chief of the militia thereof, shall perform the duties and receive the emoluments of Superintendent of Indian Affairs, and shall approve all laws passed by the Legislative Assembly before they shall take effect; he may grant pardons for offenses against the laws of said Territory, and reprieves for offenses against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of said Territory, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted*, That there shall be a Secretary of said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor, in his executive department; he shall transmit one copy of the laws and one copy of the executive proceedings on or before the first day of December in each year, to the President of the United States, and, at the same time, two copies of the laws to the Speaker of the House of Representatives and the

President of the Senate for the use of Congress. And in case of the death, removal or resignation, or other necessary absence of the Governor from the Territory, the Secretary shall have, and is hereby authorized and required to execute and perform, all the powers and duties of the Governor during such vacancy or necessary absence, or until another Governor shall be duly appointed to fill such vacancy.

SEC. 4. *And be it further enacted*, That the legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of nine members, which may be increased to thirteen, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years. The House of Representatives shall consist of thirteen members, which may be increased to twenty-six, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. An apportionment shall be made, as nearly equally as practicable, among the several counties or districts for the election of the Council and House of Representatives, giving to each section of the Territory representation in the ratio of its population (Indians excepted) as nearly as may be; and the members of the Council and of the House of Representatives shall reside in, and be inhabitants of, the district for which they may be elected respectively. Previous to the first election, the Governor shall cause a census or enumeration of the inhabitants of the several counties and districts of the Territory to be taken; and the first election shall be held at such time and places, and be conducted in such manner as the Governor may direct; and he shall, at the same time, declare the number of the members of the Council and House of Representatives to which each of the counties or districts shall be entitled under this act. The number of persons authorized to be elected, having the highest number of votes in each of said Council districts for members of the Council shall be declared by the Governor to be duly elected to the Council; and the person or persons authorized to be elected having the greatest number of votes for the House

of Representatives, equal to the number to which each county or district shall be entitled, shall be declared by the Governor to be elected members of the House of Representatives: *Provided*, That in case of a tie between two or more persons voted for, the Governor shall order a new election, to supply the vacancy made by such tie. And the persons thus elected to the Legislative Assembly shall meet at such place and on such day as the Governor shall appoint; but thereafter the time, place, and manner of holding and conducting all elections by the people, and the apportioning and representation in the several counties or districts to the Council and House of Representatives, according to the population, shall be prescribed by law, as well as the day of the commencement of the regular session of the Legislative Assembly; *Provided*, That no session shall exceed the term of forty days, except the first, which may be extended to sixty days, but no longer.

SEC. 5. *And be it further enacted*, That every free white male citizen of the United States above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, including those recognized as citizens by the treaty with the Republic of Mexico, concluded February two, eighteen hundred and forty-eight, and the treaty negotiated with the same country on the thirtieth of December, eighteen hundred and fifty-three, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly.

SEC. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the constitution of United States and the provisions of this act; but no laws shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents; nor shall any law be passed impairing the rights of private property; nor shall any discrimination be made in taxing different kinds of property; but

all property subject to taxation shall be in proportion to the value of the property taxed.

SEC. 7. *And be it further enacted*, That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly of the Territory. The Governor shall nominate, and by and with the advice and consent of the Legislative Assembly, appoint all officers not herein otherwise provided for; and in the first instance the Governor alone may appoint said officers, who shall hold their offices until the end of the first session of the Legislative Assembly, and shall lay off the necessary districts for members of the Council and House of Representatives, and all other officers.

SEC. 8. *And be it further enacted*, That no member of the Legislative Assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the Legislative Assembly, or shall hold any office under the government of said Territory.

SEC. 9. *And be it further enacted*, That the judicial power of said Territory shall be vested in a Supreme Court, District Courts, Probate Courts, and Justices of the Peace. The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually; and they shall hold their offices during the period of four years; the said Territory shall be divided into three judicial districts, and a District Court shall be held in each of said districts by one of the Justices of the Supreme Court at such time and place as may be prescribed by law; and the Judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the Probate Courts and of the Justices of the Peace, shall be as limited by law: *Provided*, That Justices

of the Peace and Probate Courts shall not have jurisdiction of any matter in controversy where the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said Supreme and District Courts, respectively, shall possess chancery as well as common law jurisdiction; and authority for redress of all wrongs committed against the constitution or laws of the United States or of the Territory, affecting persons or property. Each District Court or the Judge thereof shall appoint its Clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said District Courts to the Supreme Court, under such regulations as may be prescribed by law; but in no case removed to the Supreme Court shall trial by jury be allowed in said Court. The Supreme Court, or the Justices thereof, shall appoint its own Clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said Supreme Court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the Circuit Courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; and each of the said District Courts shall have and exercise the same jurisdiction, in all cases arising under the constitution and laws of the United States, as is vested in the Circuit and District Courts of the United States; and the said Supreme and District Courts of the said Territory, and the respective Judges thereof, shall and may grant writs of habeas corpus in all cases in which the same are grantable by the Judges of the United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws, and writs of error and appeals in all such cases shall be made to the Supreme Court of said Territory the same as in other cases. The said Clerk shall receive in all such cases the

same fees which the Clerks of the District Courts of Oregon Territory received for similar services.

SEC. 10. *And be it further enacted*, That there shall be appointed an Attorney for said Territory, who shall continue in office for four years, unless sooner removed by the President, and who shall receive the same fees and salary as the Attorney of the United States for the Territory of Oregon. There shall also be a Marshal for the Territory appointed, who shall hold his office for four years, unless sooner removed by the President, and who shall execute all processes issuing from said courts when exercising their jurisdiction as Circuit and District Courts of the United States; He shall perform the duties, be subject to the same regulations and penalties, and be entitled to the same fees as the Marshal of the District Court of the United States for the Territory of Oregon, and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

SEC. 11. *And be it further enacted*, That the Governor, Secretary, Chief Justice and Associate Justices, Attorney, and Marshal shall be nominated, and by and with the advice and consent of the Senate, appointed by the President of the United States. The Governor and Secretary to be appointed as aforesaid, shall, before they act as such, respectively take an oath or affirmation before the District Judge or some Justice of the Peace in the limits of said Territory duly authorized to administer oaths and affirmations by the laws now in force therein, or before the Chief Justice or some Associate Justice of the Supreme Court of the United States, to support the constitution of the United States, and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificate shall be received and recorded by the Secretary among the executive proceedings; and the Chief Justice and Associate Justices and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation, before the said Governor or Secretary, or some Judge or Justice of the Peace of the Territory who may be duly commissioned and qualified, which said oath or affirma-

tion shall be certified and transmitted by the person taking the same to the Secretary, to be by him recorded as aforesaid; and afterwards the like oath or affirmation shall be taken, certified and recorded in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of fifteen hundred dollars as Governor, and one thousand dollars as Superintendent of Indian Affairs; the Chief Justice and Associate Justices shall each receive an annual salary of eighteen hundred dollars; the Secretary shall receive an annual salary of eighteen hundred dollars. The said salaries shall be paid quarter yearly at the Treasury of the United States. The members of the Legislative Assembly shall be entitled to receive three dollars each per day during their attendance at the session thereof, and three dollars for every twenty miles travel in going to and returning from the said sessions, estimated according to the nearest usually travelled route. There shall be appropriated annually the sum of one thousand dollars, to be expended by the Governor, to defray the contingent expenses of the Territory. There shall also be appropriated, annually, a sufficient sum, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the Secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the manner in which the aforesaid sum shall have been expended.

SEC. 12. *And be it further enacted*, That the Legislative Assembly of the Territory of Colorado shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the Governor and Legislative Assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible, which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly.

SEC. 13. *And be it further enacted*, That a Delegate to the House of Representatives of the United States, to serve during

each Congress of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the Delegates from the several other Territories of the United States to the said House of Repesentatives. The first election shall be held at such time and places, and be conducted in such manner as the Governor shall appoint and direct; and at all subsequent elections the times, places, and manner of holding elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly.

SEC. 14. *And be it further enacted*, That when the land in the said Territory shall be surveyed, under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each town in said Territory shall be and the same are hereby reserved for the purpose of being applied to schools in the States hereafter to be erected out of the same.

SEC. 15. *And be it further enacted*, That temporarily, and until otherwise provided by law, the Governor of said Territory may define the judicial districts of said Territory, and assign the Judges who may be appointed for said Territory, to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts by proclamation to be issued by him; but the Legislative Assembly, at their first or any subsequent session, may organize, alter or modify such judicial districts, and assign the Judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

SEC. 16. *And be it further enacted*, That the Constitution and all laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said Territory of Colorado as elsewhere within the United States.

SEC. 17. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate, shall be and is hereby authorized to appoint a Surveyor General for Colorado, who shall locate his office at such place

as the Secretary of the Interior shall from time to time direct, and whose duties, powers, obligations, responsibilities, compensation, and allowances for clerk hire, office rent, fuel, and incidental expenses, shall be the same as those of the Surveyor General of New Mexico, under the direction of the Secretary of the Interior, and such instructions as he may from time to time deem it advisable to give him.

Approved February 28th, 1861.

AMENDMENTS TO THE ORGANIC ACT.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE A TEMPORARY GOVERNMENT FOR THE TERRITORY OF COLORADO."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of the act to which this act is an amendment, be altered so as to read as follows: The executive power and authority in and over said Territory of Colorado, shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within said Territory, shall be commander-in-chief of the militia thereof, shall perform the duties, and shall receive the emoluments of Superintendent of Indian Affairs; he may grant pardons for offenses against the laws of said Territory, and reprieves for offenses against the laws of the United States, until the decision of the President shall be made known thereon; he shall commission all officers who shall be appointed to office under the laws of said Territory, and shall take care that the laws be faithfully executed.

SEC. 2. *And be it further enacted*, That every bill which shall have passed the Legislative Assembly shall, before it become a law, be presented to the Governor of the Territory; if he approve, he shall sign it; but if not he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, to be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Assembly, by adjournment, prevents its return, in which case it shall not be a law.

SEC. 3. *And be it further enactde*, That section nine of the act to which this act is amendatory be altered so as to read as follows: Section 9. *And be it further enacted*, That the judicial power of said Territory shall be vested in a Supreme Court, District Courts, Probate Courts, and Justices of the Peace. The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory, annually, and they shall hold their offices during the period of four years. The said Territory shall be divided into three judicial districts, and a District Court shall be held in each of said districts by one of the Justices of the Supreme Court, at such time and place as may be prescribed by law; and the said judges shall, after their appointments, respectively reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and of Justices of the Peace, shall be as limited by law; *Provided*, That Justices of the Peace shall not have jurisdiction of any matter in controversy, when the title or boundaries of land may be in dispute, or when the debt or sum

claimed shall exceed three hundred dollars; and the said Probate Court shall not have jurisdiction in any matter in controversy, when the debt or sum claimed shall exceed the sum of two thousand dollars; and said Supreme and District Courts shall have authority for redress of all wrongs committed against the constitution and laws of the United States; and the said Supreme, District, and Probate Courts respectively, shall possess chancery, as well as common law jurisdiction, and authority for the redress of all wrongs committed against the laws of said Territory, affecting persons or property. Each District Court, or the judge thereof, shall appoint its clerk, who shall also be the Register in Chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception and appeals shall be allowed from the final decisions of said District and Probate Courts to the Supreme Court, under such regulations as shall be prescribed by law; but in no case remove to the Supreme Court, shall trial by jury be allowed in said court. The Supreme Court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said Supreme Court shall be allowed, and may be taken to the Supreme Court of the United States in the same manner and under the same regulations as from the Circuit Courts of the United States, when the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; and each of said Supreme and District Courts shall have and exercise the same jurisdiction in all cases arising under the constitution and laws of the United States, as is vested in the Circuit and District Courts of the United States; and the said Supreme and District Courts of said Territory, and the respective judges thereof, shall and may grant writs of *habeas corpus* in all cases in which the same are granted by the judges of the United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the

said constitution and laws; and writs of error and appeals in all such cases shall be made to the Supreme Court of said Territory, the same as in other cases. The said clerk shall receive in all such cases the same fees which the clerks of the District Courts of Oregon Territory received for similar services.

SEC. 4. *And be it further enacted*, That the provisions of sections one and two of this act shall be applicable to the Territory of Dakota, and shall have like effect as in the Territory of Colorado.

Approved March 2nd, 1863.

AN ACT.

AMENDATORY OF THE ORGANIC ACT OF COLORADO TERRITORY.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the sessions of the Legislative Assembly of Colorado Territory shall be biennial. Members of the Council shall be elected for the term of four years, and members of the House for the term of two years, and shall receive the sum of six dollars per day instead of three dollars heretofore allowed, and shall also receive the same mileage now allowed by law.

SEC. 2. *And be it further enacted*, That each house shall have authority to elect, in addition to the officers now allowed by law, an enrolling clerk, who shall receive five dollars per day. The chief clerk shall receive six dollars per day, and the other officers elected by said Legislature shall receive five dollars per day each.

SEC. 3. *And be it further enacted*, That the members of the Legislative Assembly elected at the general election of said Territory in the year eighteen hundred and sixty-seven shall compose the first Legislature under this act, and said Legislature shall meet at the time now fixed by law for the meeting of the Legislative Assembly of Colorado Territory.

Approved March 30th, 1867.

AN ACT.

TO REGULATE THE ELECTIVE FRANCHISE IN THE TERRITORIES OF THE UNITED STATES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, there shall be no denial of the elective franchise in any of the territories of the United States, now, or hereafter to be organized, to any citizen thereof, on account of race, color, or previous condition of servitude; and all acts or parts of acts, either of Congress or the Legislative Assemblies of said Territories, inconsistent with the provisions of this act are hereby declared null and void.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LAFAYETTE S. FOSTER,
President of the Senate, pro tempore.

Endorsed by the President: "Received on the 14th January, 1867.

[NOTE BY THE STATE DEPARTMENT.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

AN ACT

AMENDATORY OF "AN ACT TO PROVIDE A TEMPORARY GOVERNMENT FOR THE TERRITORY OF MONTANA." APPROVED MAY 26, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Legislative Assemblies of the several Territories of the the United States shall not, after the passage of this act, grant private charters or especial privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits.

SEC. 7. *And be it further enacted* That from and after the first day of April next the salary of each of the judges of the several Supreme Courts in each of the organized Territories (except Montana and Idaho) shall be two thousand five hundred dollars.

SEC. 8. *And be it further enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed.

Approved March 2nd, 1867.

AN ACT

MAKING APPROPRIATIONS FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL EXPENSES OF THE GOVERNMENT FOR THE YEAR ENDING THE THIRTIETH OF JUNE, EIGHTEEN HUNDRED AND SEVENTY.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, * * * * * * That hereafter the members of both branches of the Legislative Assemblies of the several Territories shall be chosen for the term of two years, and the sessions of the Legislative Assemblies shall be biennial; and each Territorial Legislature shall, at its first session after the passage of this act, make provision by law for carrying this act into effect.

Approved March 3d, 1869.

AN ACT

REGULATING THE COMPENSATION OF THE MEMBERS AND OFFICERS OF THE LEGISLATIVE ASSEMBLIES OF THE SEVERAL TERRITORIES OF THE UNITED STATES, AND LIMITING THE DURATION OF THE SESSIONS OF SAID ASSEMBLIES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sessions of the Legislative Assemblies of the several Territories of the United States shall be limited to forty days duration.

SEC. 2. That the members of each branch of said Legislatures shall receive a compensation of six dollars per day during the sessions herein provided for, and they shall receive such mileage as now provided by law; *Provided*, That the President of the Council, and Speaker of the House of Representatives shall each receive a compensation of ten dollars per day,

and that the additional officers of each branch of said Legislative Assemblies shall consist of one Chief Clerk, who shall receive a compensation of eight dollars per day, and of one Assistant Clerk, one Enrolling Clerk, one Engrossing Clerk, one Sergeant-at-Arms, one Doorkeeper, one Messenger, and one Watchman, who shall each receive a compensation of five dollars per day during the sessions.

SEC. 3. That from and after the first day of July, eighteen hundred and seventy-three, the annual salaries of the Governors of the several Territories of the United States shall be three thousand five hundred dollars, and the salaries of the Secretaries of said Territories shall be two thousand five hundred dollars each.

SEC. 4. That the provisions of this act shall not apply to the District of Columbia; *Provided*, That no law of any Territorial Legislature shall be made or enforced by which any officer of a Territory herein provided for, or the officers or members of any Territorial Legislature shall be paid any compensation other than that provided by the laws of the United States.

Approved January 23, 1873.

GENERAL LAWS.

AN ACT

Concerning the Abduction of Women.

Be it enacted by the Council and House of Representatives of Colorado Territory, That whosoever shall, by force or fraud, take away or detain against her will, any woman, of any age, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be guilty of felony, and being convicted therof, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding six (6) years; and not less than one (1) year, with or without hard labor.

SEC. 2. Whosoever shall unlawfully take or cause to be taken any unmarried girl, being under the age of sixteen (16) years, out of the possession and against the will of her father or mother, or any other person having the lawful care or charge of her, shall be guilty of felony; and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding three (3) years, with or without hard labor.

SEC. 3. This Act shall be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

Relating to Abstracts from County Records.

County Clerks to furnish abstracts—when.

Be it enacted by the Council and House of Representatives of Colorado Territory, That it shall be the duty of the several County Clerks and Recorders in this Territory to make and furnish upon application therefor, abstracts of deeds, powers of attorney, mortgages, releases, and all other instruments and muniments of title to real property recorded in their respective counties, which abstract shall set forth a description of the property, the character of the instrument and date of the execution and acknowledgment, the names of the parties to the instrument, the date of record and the page and volume of the record book wherein such instrument is recorded, and such abstract shall be made and furnished by said Clerks and Recorders to any person who shall make application therefor and shall pay or tender the fees provided by law, and such abstracts shall be certified by said Clerks and Recorders under seal of their offices as correct from what appears of record in their office.

Fees.

SEC. 2. The fees for making abstracts shall be as follows, to-wit: for the first five conveyances or entries or less, each fifty cents; for each additional conveyance or entry, twenty-five cents; for each certificate under seal, seventy-five cents.

SEC. 3. This act shall be in force from and after the first day of March, A. D. 1874.

Approved February 13, 1874.

AN ACT

Concerning acknowledgments of deeds and other instruments in writing relating to Real Estate.

Be it enacted by the Council and House of Representatives of Colorado Territory, as follows: That all deeds and other instruments in writing relating

to real estate in this Territory, which shall have been executed heretofore, or shall be hereafter executed, purporting to have been acknowledged or proved out of this Territory, before a Notary Public of any State or Territory of the United States, shall be deemed *prima facie* to have been acknowledged or proved before a proper officer, and such deeds and other instruments in writing, and in case of the loss of the originals, a copy of the record thereof with the certificate of acknowledgment or proof appertaining to the same, shall be received as *prima facie* evidence of the execution and acknowledgment thereof, anything in the Statutes of this Territory to the contrary notwithstanding; *Provided*, That before any such deed or other instrument in writing or the record thereof shall be read in evidence, a copy of the commission of such Notary, certified by the Secretary of the State or Territory, under the seal of such State or Territory, where such Notary was commissioned shall be recorded in the office of the Recorder of the County where the real estate affected by such deed or other instrument in writing is situated.

Approved February 13th, 1874.

AN ACT

Concerning the Agricultural College of Colorado.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the sum of one thousand ($1,000) dollars be and the same is hereby appropriated to aid in erecting buildings and making such other improvements on the grounds now belonging to said institution at Fort Collins, in the county of Larimer in said Territory, as the trustees thereof may deem necessary. Appropriation.

SEC. 2. When the board of trustees of said College shall have raised by subscription, donation, or other- Under what conditions appropriations may be drawn

wise, the sum of one thousand ($1,000) dollars in money, and shall have expended the same on buildings and grounds, then the Auditor of the Territory shall draw a warrant on the Territorial Treasurer in favor of the Treasurer of said Board of Trustees for the sum of one thousand ($1,000) dollars, to be paid out of any money in the Territorial Treasury not otherwise appropriated.

Evidence that the provisions of Sec 2 have been complied with.

SEC. 3. The affidavit of the President of said Board of Trustees that such subscription has been made as provided in section two (2) of this act, shall be sufficient evidence of such fact, and before said warrant shall be drawn such affidavit shall be produced to the Auditor, accompanied by a bond signed and sealed by the Treasurer of said Board of Trustees, with good and sufficient securities in the penal sum of ten thousand ($10,000) dollars to the people of the Territory of Colorado, conditioned that the money hereby appropriated shall be applied as provided by section one (1) of this act.

Under what circumstances Governor may bring suit

SEC. 4. Such affidavit shall be preserved by said Auditor, and in case of a breach of any of the conditions of said bond it shall be the duty of the Governor of this Territory to have suit instituted for such breach against the obligators in said bond, in the name of the people of the Territory of Colorado, and be prosecuted to a final termination, and any and all the money collected by reason of such suit shall be paid into the Territorial Treasury, and for any breach of such bond the full penalty thereof may be recovered in such suit.

Each county may send one pupil free

SEC. 5. Each county in this Territory shall be entitled to send to said College, tuition free, one pupil; said pupil to be selected by competitive examination before the county school superintendent and awarded to the highest scholarship.

SEC. 6. This act shall take effect and be in force from January 1st, 1875.

Approved February 13th, 1874.

AN ACT

To Provide for the Several Expenses of the Territory for the years 1874 and 1875.

Be it enacted by the Council and House of Representatives of Colorado Territory, That for the purpose of paying the current expenses of the Territory for the fiscal years ending December 31st, 1875, the following sums are hereby appropriated out of any funds in the Territorial Treasury not otherwise appropriated, for the purpose of paying the salaries of the Judges of the Supreme Court, the sum of twenty thousand ($20,000) dollars, or so much thereof as may be necessary. Salaries of judges.

Territorial officers, as follows: Assayers, Auditor, Treasurer, Adjutant General, Superintendent of Public Instruction, Librarian, and Governor's Private Secretary, the sum of twenty-two thousand ($22,000) dollars, or so much thereof as may be necessary in addition to the amount now remaining to the credit of the Officers' Salary Fund. Territorial officers.

For the purpose of paying the salaries of the District Attorneys, the sum of four thousand and eight hundred ($4,800) dollars, in addition to the amount now remaining to the credit of the District Attorney's Salary Fund, or so much thereof as may be necessary. District attorneys.

For the purpose of paying the general expenses of the Penitentiary at Cañon City, as per contract dated June 1st, 1871, under an act of the Eighth Session of the Legislative Assembly, entitled "An act relating to the Penitentiary, the sum of thirty thousand ($30,000) dollars, or so much thereof as may be necessary; *Provided*, That if the Territory shall receive and take charge of said Penitentiary, in pursuance of an act of Congress entitled "An Act transferring of certain Territorial Penitentiaries to the several Territories in which the same are Penitentiary. Proviso.

located, approved January 24, A. D. 1873," then the foregoing sum of thirty thousand dollars, or so much thereof as may be necessary, shall be used and drawn against for the payment of all the expenses necessary and proper for the support of said Penitentiary.

Auditor's contingent.

For the contingent expenses of the Auditor's office, the sum of nine hundred ($900) dollars, in addition to the amount remaining to the credit of the Auditor's Contingent Fund, or so much thereof as may be necessary.

Treasurer's contingent

For the contingent expenses of the Treasurer's office the sum of four hundred ($400) dollars, in addition to the amount remaining to the credit of the Treasurer's Contingent Fund, or so much thereof as may be necessary.

Adjutant General's contingent.

For the contingent expenses of the Adjutant General's office, the sum of four hundred ($400) dollars, in addition to the amount now remaining to the credit of the Adjutant General's Contingent Fund, or so much thereof as may be necessary.

Librarian.

For the contingent expenses of the Librarian's office, the sum of eighteen hundred ($1,800) dollars, or so much thereof as may be necessary.

Superintendent of Public Instruction.

For the contingent expenses of the Superintendent of Public Instruction, the sum of seven hundred ($700) dollars, in addition to the amount now remaining to the credit of the School Superintendent's Contingent Fund, or so much thereof as may be necessary.

Lunatic Paupers

For the support of Lunatic Paupers, the sum of two thousand ($2,000) dollars, in addition to the amount now remaining to the credit of the Insane Pauper's Fund, or so much thereof as may be necessary.

Incidental printing.

For Incidental Printing, the sum of eight hundred ($800) dollars, in addition to the amount remaining to the credit of the Incidental Printing Fund, or so much thereof as may be necessary.

For printing for the Legislative Assembly for the current session, the sum of five thousand ($5,000) dollars, in addition to the amount remaining to the credit of the Legislative Printing Fund, or so much thereof as may be necessary. Legislative printing.

For the contingent expenses of the Governor's office, the sum of one thousand ($1,000) dollars, in addition to the amount remaining to the credit of the Governor's Contingent Fund, or so much thereof as may be necessary. Governor's contingent.

For the rent of Supreme Court Clerk's office, the sum of four hundred and eighty ($480) dollars, in addition to the amount remaining to the credit of the Fund of the Clerk of the Supreme Court, or so much thereof as may be necessary. Supreme Court Clerk

For Legislative Committee in examination of accounts of Auditor and Treasurer, current session, and for Committee for the year 1875 (the year intervening sessions of the Legislature), the sum of one hundred and fifty ($150) dollars, or so much thereof as may be necessary. Legislative committee

SEC. 2. All officers and assistants elected or employed by the authority of either House, which are not paid or provided for by the United States, shall receive the sum of five dollars per day for the number of days actually employed. Legislative clerks.

SEC. 3. The Auditor of the Territory is hereby authorized and empowered to draw his warrants upon the Treasurer for the sums herein mentioned (as due the officers and assistants not otherwise provided for) upon the presentation to him of the certificate or certificates of the President of the Council, countersigned by the Secretary, or the certificate or certificates of the Speaker of the House of Representatives, countersigned by the Chief Clerk, for the pay of the officers and assistants of their Houses respectively, which said certificate shall specify the

number of days for which the person or persons to whom, and the services for which said sum or sums of money may be due.

Territorial officers' report

SEC. 4. That the action of Secretary Frank Hall, in having printed two hundred (200) copies of Biennial Reports of the Territorial Auditor, and two hundred (200) copies of the Biennial Report of the Territorial Treasurer, and one thousand (1,000) copies of the Report of the Superintendent of Public Instruction, is hereby legalized and approved, and the Auditor of the Territory is directed to draw his warrants to pay for the same out of the Legislative Printing Fund, appropriated by the Tenth Legislative Assembly; *Provided, however*, That the Auditor shall first have satisfied himself that two hundred (200) copies of the Biennial Report of the Territorial Auditor, and two hundred (200) copies of the Report of the Territorial Treasurer, and one thousand (1,000) copies of the Biennial Report of the Superintendent of Public Instruction, have actually been printed and delivered at the Capitol for the use of the Territory, the same to be paid for as per contract between the Secretary of the Territory and the Publisher.

Translating message and rules

SEC. 5. For the payment of Albert R. Dyer, the sum of two hundred ($200) dollars, which sum is due said Albert R. Dyer for his services in translating into the Spanish language the Rules of the House and Council, together with the Governor's Message, for the Tenth Legislative Assembly, and the Auditor is hereby authorized, and it shall be his duty to draw his warrant on the Treasurer for the sum herein mentioned in favor of the said Dyer.

E L Salisbury

SEC. 6. For the payment of Edward L. Salisbury, (Secretary of the Council for the Ninth (9th) Legislative Assembly) the sum of fifty ($50) dollars, which sum is due said Edward L. Salisbury for his services and expenses incurred in attending upon and calling to order the Tenth (10th) session of the

Council, as provided in section one (1), of chapter fifty-one (51), of the Revised Statutes of Colorado, and the Auditor is hereby authorized to draw his warrant upon the Treasurer for the sum herein specified.

SEC. 7. That the Auditor of the Territory is hereby authorized and directed to draw his warrant on the general Contingent Eund in favor of Daniels, Fisher & Co., of Denver, for the sum of one hundred and twenty-three dollars and fifty cents ($123.50), in payment for one hundred and eight yards of matting, ordered by resolution to be laid on the portions of the Legislative Hall devoted to the lobby. Daniels, Fisher & Co.

SEC. 8. That all unexpended balances to the credit of each and every particular fund, as appearing from the report of the Territorial Auditor of December 31st, A. D., 1873, be and the same are incorporated into, and added to the several appropriations respectively herein mentioned. Unexpended balances

SEC. 9. For reimbursing those counties which have maintained prisoners in their respective jails, sentenced to confinement in the Penitentiary, and refused admittance therein by the United States Marshal, in consequence of there not being room in said Penitentiary, five thousand ($5,000) dollars, or so much thereof as may be necessary, allowing said counties one dollar per day for each such prisoner so kept in said jails. For support of prisoners in jails.

SEC. 10. The sum of four hundred and eighty-seven dollars and sixty-five cents ($487.65), to reimburse Geo. T. Clark, Secretary of the Board of Immigration, for money expended by him in postage, printing, and rent of office in the business of said Board, and that the Territorial Auditor be directed to draw a warrant upon the Treasurer for said amount in favor of said Clark. Geo. T. Clark.

SEC. 11. The Chief Clerk of the House of Representatives and the Secretary of the Council, shall For chief and assistant clerks.

each receive the sum of one hundred ($100) dollars, and the Assistant Clerk of each House shall each receive the sum of seventy-five ($75) dollars for their services in completing the Journals, and doing all other necessary work after the close of the session, and the Auditor is hereby authorized to draw warrants for the same, after the completion of such work.

SEC. 12. All acts and parts of acts in conflict herewith, are hereby repealed.

Approved February 13th, 1874.

AN ACT

To amend an Act entitled "An Act to establish Assay Offices in Colorado Territory."

Substitute for Sec. 1

Be it enacted by the Council and House of Representatives of Colorado Territory, That section one (1) of "An Act to establish Assay Offices in Colorado Territory," approved February 8, 1872, be and the same is hereby stricken out, and the following inserted in lieu thereof: That there shall be established seven (7) Territorial Assay Offices in the Territory of Colorado, as follows: One at Central City, in Gilpin County; one at Georgetown, in Clear Creek County; one at Fairplay, in Park County; one at Boulder, in Boulder County; one at Oro City, in Lake County; one at Rosita, in Fremont County; and one at some point in the "San Juan" mining country, said point to be selected by the Territorial Assayer appointed to such Territorial Assay Office.

SEC. 2. That section two (2) of said act to establish assay offices in Colorado Territory is hereby stricken out, and the following inserted in lieu thereof: There is hereby appropriated by the Territory of Colorado to each of said assay offices the sum of five hundred ($500) dollars per annum, payable quar-

Appropriation—how and when paid.

terly; the first payment of one hundred and twenty-five ($125) dollars to be made to each assayer at the expiration of the first quarter of his term of office, and each of the remaining payments to be made at the end of the quarter for which payment is due in each year, and the Territorial Auditor is hereby authorized to draw a warrant on the Treasurer of the Territory for the said first payment of one hundred and twenty-five ($125) dollars in favor of each assayer, upon the application of the assayer, accompanied by a certificate from the Secretary of the Territory that his bond has been approved, and for each of the other payments as they shall become due by the provisions of this act, and the Territorial Treasurer is hereby authorized to pay such warrants out of any money in the Treasury not otherwise appropriated.

Substitute for Sec 5.

SEC. 3. That section five (5) of said act to establish assay offices in Colorado Territory be and the same hereby is stricken out, and the following inserted in lieu thereof: That it shall be the duty of each of said Territorial Assayers to make assays of all minerals from any portion of Colorado Territory presented to him for assay, and said Territorial Assayer making such assay shall be entitled to receive the sum of three dollars ($3) for each and every assay for gold and silver, and three dollars ($3) for each and every assay made for any other metal, giving a certificate of each assay so made, bearing the seal of his office, signed by himself or by his deputy; said fees to be paid by the person for whom such assay shall be made.

Duties of Assayers defined.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 10, 1874.

AN ACT

To amend Chapter seven (7) of the Revised Statutes of Colorado Territory, entitled "Attorneys at Law."

Be it enacted by the Council and House of Representatives of Colorado Territory, That section eleven (11) of chapter seven (7) of the Revised Statutes of Colorado Territory be stricken out and the following inserted in lieu thereof: That any person producing a license from any court of record, or a duly authenticated copy of the record of any court of record in the United States, showing that he has been regularly admitted an Attorney at Law in any court of record in the United States; and it appearing to the satisfaction of the Judges of the Supreme Court, or a majority thereof, that he is a man of good moral character, he shall be licensed and permitted to practice in all the courts of the Territory without examination. Persons producing such evidence of their admission as Attorneys at Law in other States or Territories may make application to the Judges of the Supreme Court in vacation, and two or more of the said Judges shall issue a license to such person in the same manner as if such application was made to the Supreme Court.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 9th, 1874.

AN ACT

Relating to the Fees of Auditor in Certain Cases.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the fees of the Auditor for the registration and cancellation of any bonds issued by any county, town, or city, of this Territory, required to be registered by the said Au-

ditor, or under his direction, or for cancelling the same, shall, for such registration or cancellation, be the sum of ten cents for each bond so registered or cancelled.

SEC. 2. All acts and parts of acts in conflict herewith be and the same are hereby repealed.

SEC. 3. This act shall be in force and effect from and after its passage.

Approved February 10th, 1874.

AN ACT

Concerning Actions on Bonds, Bills, and Promissory Notes.

Be it enacted by the Council and House of Representatives of Colorado Territory, That in all actions brought upon Bills of Exchange, Promissory Notes, or Bonds, for the direct payment of money, the defendant, before he shall be permitted to plead to the merits, shall file an affidavit of merit that he has, as he verily believes, a good and meritorious defense to said action or to some portion of it.

SEC. 2. Such affidavit may be made by counsel if it shall be made to appear to the Court that the affidavit of the defendant or defendants cannot be conveniently obtained.

SEC. 3. All acts or parts of acts so far as they conflict with this act, are hereby repealed.

Approved February 13th, 1874.

AN ACT

To Change the Boundary Lines of Bent County.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the boundary lines of the County of Bent shall be as follows: Commencing upon the eastern boundary line of Colorado Territory at its intersection with township line between

Boundaries defined

townships thirteen (13) and fourteen (14) south; thence west on said township line to the range line between ranges fifty-nine and sixty west; thence south on said range line to the township line between townships twenty-seven (27) and twenty-eight (28) south; thence east on said township line to the eastern boundary line of Colorado Territory; thence north on said eastern boundary line to the place of beginning.

Greenwood County abolished.

SEC. 2. That the County of Greenwood is hereby abolished, and that portion of it not included in the County of Elbert, shall and be for all purposes a part of the County of Bent.

Records and papers—how disposed of

SEC. 3. All county and judicial records, books, writings, papers, and documents of the said County of Greenwood shall hereafter belong to the County of Bent, and all cases, civil and criminal, that have arisen or may arise in the said annexed portion of the County of Greenwood, shall be held to be within the jurisdiction of the proper courts in and for said County of Bent.

Adjustment of revenue

SEC. 4. That the county commissioners of the County of Bent, and the county commissioners of the County of Elbert shall have the power and authority to adjust and settle, and equitably divide all matters of revenue and indebtedness, which may be necessary to adjust and settle on account of the abolishing of said County of Greenwood and the annexing of such to the said counties of Bent and Elbert.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 6th, 1874.

AN ACT

To provide for the Appointment of Capitol Commissioners and Defining their Duties.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the Governor shall appoint three (3) Commissioners, to be confirmed by the Council, and to hold office for two (2) years, and until their successors are appointed and qualified, whose duties shall be as follows: Appointment of Commissioners

First—To examine into all the titles for lots and parcels of ground heretofore donated to the Territory or Colorado on condition that the Capitol be located at Denver, and if the same or any of them are found to be defective or imperfect in any particular, to have the same perfected to the Territory. Duties

Second—To take and have control of all said Capitol site and Capitol fund property belonging to the Territory.

Third—To have the custody of and expend in the improvement of the Capitol Grounds, and in the erection of Capitol buildings thereon, any money that may be appropriated by the Territory, by the county of Arapahoe, or by the City of Denver, or that may be donated by any person or persons for that purpose. Expenditure of funds.

Fourth—On and after the first (1st) day of April, A. D. 1875, they may sell at public auction, and convey the same, after advertising said lots and lands for thirty (30) days in two (2) or more daily newspapers published in the City of Denver, any or all of the lots and lands so donated and belonging to the Territory for Capitol purposes; except the Capitol Square, or site, itself—and shall then proceed to expend the money so realized in the erection of a Capitol building or buildings, upon said Capitol Square; *Provided*, The contract for the erection of the same shall be let to the lowest responsible bidder upon Disposal of real estate donated for Capitol purposes.

proposals duly advertised and published; that the cost of the same when completed shall not exceed the amount of money actually then on hand or to be realized within the year 1875 for that purpose, from the sale of lots or from other sources, and that the same shall be completed, paid for and delivered to the Territory on or before the first (1st) day of January A. D. 1876.

Expenses and compensation of Commissioners

SEC. 2. Said Commissioners shall be allowed the amount of actual expenses incurred in the examination and perfection of titles and in the record of deeds; the expenses of advertising, if lots and lands are offered for sale, and if sales are made and moneys expended as provided in section one (1), they shall be allowed such rate of commission thereon as would be charged at the time by real estate brokers in the City of Denver for like investments, and no more; *Provided*, That said Commissioners may employ a competent architect to plan and superintend the erection of said buildings and pay him the usual rate of commission for such services.

Commissioners to give bonds.

SEC. 3. Said Commissioners shall before entering upon the discharge of their duties give bonds and security, running to the Territory, in the sum of five thousand ($5,000) dollars each, to be approved by one of the Judges of the Supreme Court and deposited with the Secretary of the Territory, conditioned for the faithful discharge of this trust. And before selling lots and lands as hereinbefore provided, the amount of said bonds shall be increased to the sum of fifteen thousand ($15,000) dollars each, with like approval and conditions.

Statement of proceedings

SEC. 4. Said Commissioners shall report to the next Legislative Assembly of the Territory, within ten (10) days after it convenes, a full statement of all their doings under this act, and their bonds shall not be released until full settlement is made to the approval of said Legislative Assembly. All expendi-

tures shall be verified by properly authenticated vouchers therefor.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To amend an Act entitled "An Act concerning Certiorari to Justices and Probate Courts," approved January 22d, 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory, That section 3 of said act be amended by adding thereto as follows: "And said bond shall operate as a supersedeas in said suit from the time of filing the same with the Clerk of said District Court, and if an execution shall have been issued by said Justice upon said judgment, the same shall be returned immediately, all property levied upon or taken thereunder shall be released.

Approved February 13th, 1874.

AN ACT

Concerning Certiorari to Justices of the Peace and Probate Courts, in Boulder County.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the provisions of an Act entitled "An Act concerning Certiorari to Justices and Probate Courts, approved February 2, 1872, be extended and made applicable to Boulder County. Session Laws of 1872, pages 100, 109 and 110.)

Approved February 9th, 1874.

AN ACT

To Create and Establish the Counties of Rio Grande, Hinsdale, and La Plata, and for other purposes.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the Counties of Rio Grande, Hinsdale, and La Plata, shall be and are hereby created and established, with the legal capacity and functions of the other counties of this Territory, and with boundaries as follows, to-wit: For the County of Rio Grande commencing at the point where the ninth correction line north intersects the New Mexico first guide meridian east; thence north along said guide meridian to the point where it intersects the boundary line between the counties of Costilla and Saguache; thence westerly along the southern boundary of Saguache county to the point where it intersects the New Mexico principal meridian; thence south along said principal meridian to the point where it intersects the ninth correction line north; thence east along said correction line to the place of beginning.

Boundaries of Rio Grande County

Boundaries of Hinsdale County

SEC. 2. The County of Hinsdale shall be bounded as follows. Commencing at the point of intersection of the ninth correction line north with the New Mexico principal meridian, and running thence north along said principal meridian to the southern boundary of Saguache county; thence westerly along the southern boundary of Saguache county to the one hundred and seventh meridian of longitude west from Greenwich; thence north along said meridian to a point ten miles north of the thirty-eighth parallel of north latitude; thence west to a point due north of a point six miles west of the mouth of Lost Trail Creek, on the Rio Grande river; thence south to the point of intersection with the ninth correction line north; thence east along said correction line to the place of beginning.

La Plata County

SEC. 3. The County of La Plata shall be bounded as follows: Commencing at a point six miles west of the mouth of Lost Trail Creek, and running thence north to a point ten miles north of the thirty-eighth parallel of north latitude; thence west to the western boundary of the Territory; thence south along said western boundary to the south-west corner of the Territory; thence east along the southern boundary of the Territory to a point due south of the place of beginning; thence north to the place of beginning.

County seats.

SEC. 4. The County Seat of said County of Rio Grande is hereby temporarily located at the town of Del Norte. The County Seat of Hinsdale County is hereby temporarily located at the town of San Juan, and the County Seat of La Plata County is hereby temporarily located at Howardsville.

Governor to appoint officers.

SEC. 5. The Governor is hereby authorized and required to appoint all county and precinct officers for said counties, who shall hold their respective offices until such time as their sucessors shall be elected and qualified.

Special election in Rio Grande County

SEC. 6. A special election to be conducted as now provided by law for conducting a general election, shall be holden by the qualified voters of said County of Rio Grande, on the second Monday in April, 1874, for the election of county and precinct officers, at which time all the qualified voters of said county shall vote as provided by law, for the permanent location of the County Seat. The officers so elected shall hold their respective offices until the next general election, and until their sucessors are elected and qualified.

SEC. 7. The provisions of an act entitled "An Act to amend chapter seventy-one (71) of the Revised Statutes of Colorado Territory," approved February 9th, A. D. 1870, are hereby extended and made applicable to the said counties of Rio Grande, Hinsdale, and La Plata.

District and Probate Courts

SEC. 8. That all cases, civil and criminal, now pending in the District and Probate Courts of the counties of Conejos, Costilla, and Lake, wherein the cause of action accrued in said counties of Rio Grande, Hinsdale, or La Plata, or wherein the defendant or defendants reside therein, shall be, as soon as said counties are organized, transferred by the Clerks of said District Courts and by the Clerks or Judges of said Probate Courts to the courts of like jurisdiction for said counties of Rio Grande, Hinsdale, and La Plata.

Attachment for Legislative and Judicial purposes

SEC. 9. The said counties of Rio Grande, Hinsdale, and La Plata are hereby attached to and made a part of the Eleventh Council District, and the Fifteenth and Sixteenth Representative Districts.

SEC. 10. The boundaries of the counties of Conejos, Costilla, and Lake, are hereby changed to correspond with the provisions of this act.

Apportionment of indebtedness of Conejos County

SEC. 11. The present indebtedness of the county of Conejos shall be and is hereby apportioned between the counties of Conejos, Rio Grande, Hinsdale, and La Plata, in proportion to the taxable property in each of said counties as shown by the assessment rolls of said counties for the year A. D. 1874, or if no assessment is then made, by the first assessment made thereafter.

Governor to appoint a Commissioner to adjust indebtedness

SEC. 12. The Governor shall appoint some disinterested competent person to ascertain the indebtedness of Conejos county and to apportion the same between said counties upon the basis aforesaid, such Commissioner shall be paid the sum of —— dollars per day for the time he is actually engaged in the performance of such services, which compensation shall be paid by said counties in the same proportion as the indebtedness aforesaid.

SEC. 13. The tenth (10) correction line north shall hereafter be the division line between the counties of Costilla and Saguache.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved February 10th, 1874.

AN ACT

To establish the County of Elbert

Be it enacted by the Council and House of Representatives of Colorado Territory, That so much of the County of Douglas as is included in the following described boundaries, shall be set apart, and is hereby established with the legal capacity and functions of other counties of this Territory, to be called Elbert County.

Boundaries

SEC. 2. Beginning at a point where the center of Range 65 west, intersects the 1st correction line, south; thence east, on said correction line, to the eastern boundary of the Territory; thence south, on said eastern boundary line, to the line between Townships 13 and 14 south; thence west, on said line, to the line between Ranges 59 and 60 west; thence north, on said last mentioned line to the 2d correction line south; thence west on said 2d correction line to the center of Range 65 west; thence north through the center of Range 65, to place of beginning.

SEC. 3. The county seat of said County of Elbert is hereby temporarily located at Middle Kiowa.

Adjustment of revenue.

SEC. 4. That the County Commissioners of Douglas County, and the County Commissioners of said Elbert County, shall have power and authority to adjust and settle all matters of revenue which may be necessary to adjust and settle on account of the formation of the said new County of Elbert.

SEC. 5. That the Governor is hereby authorized and required to appoint all the County officers, and precinct officers, for the said County of Elbert, until such officers are duly elected and qualified.

SEC. 6. That the County of Elbert shall be attached to the County of Douglas for legislative and judicial purposes.

County seat

SEC. 7. That the County Commissioners of Douglas County are hereby authorized and required to call a special election for the purpose of locating the county seat of said Douglas County, as early as the first Tuesday in May, 1874. Said special election to be held as a general election, and the place receiving a majority of all the votes so cast, shall be the County seat.

SEC. 8. That in case no one point so voted for shall have received a majority of all the votes cast, then and in that case the Board of County Commissioners of said County shall, in forty days thereafter order another election for the location of said county seat, and in case that no one place has received a majority of all the votes cast at said second election, then the further consideration of said location of County seat shall be postponed until the next general election when a vote shall again be had.

SEC. 9. This act to take effect and be in force from and after its passage.

Approved February 2nd, 1874.

AN ACT

To create the County of Grand.

Be it enacted by the Council and House of Representatives of Colorado Territory, That so much of the County of Summit, in the Territory of Colorado as is included within the following described boundaries, shall be set apart, and is hereby created into a new County, to be called Grand County.

Boundaries of Grand County.

SEC. 2. Beginning on the summit of the Snowy Range of the Rocky Mountains, on the west boundary of Clear Creek County, at the point where the

dividing range between the waters of Williams' Fork and Blue River diverges from the main Snowy Range; running thence northwest along the summit of said dividing range between Williams' Fork and Blue River, to a point of intersection with the boundary line between Townships one and two, south of the base line; thence west, along said Township line, to the eastern boundary of the Ute Indian reservation; thence north, along said boundary, to the northeast corner of said reservation; thence west, along the north boundary of said reservation, to the west boundary of the Territory; thence north, to the northwest corner of the same; thence east, along the north boundary of the Territory, to the northwest corner of Larimer County; thence south, along the western boundaries of Larimer, Boulder and Gilpin Counties, and west, northwest and southwest, along the north and west boundaries of Clear Creek County, to the place of beginning.

County seat

SEC. 3. The county seat of said Grand County is hereby located at Hot Sulphur Springs.

SEC. 4. Until a County Government shall be regularly organized therefor, said county shall be attached to the County of Clear Creek, for legislative, legal, and judicial purposes.

Governor to appoint officers

SEC. 5. Previous to the time of holding the general Territorial election in 1874, the Governor shall divide said Grand County into election precincts, and order an election for County and other officers, and the County government shall then be organized according to law.

SEC. 6. This Act shall take effect and be in force from and after its passage.

Approved February 2d, 1874.

AN ACT

To enable Counties to provide for the payment of their bonded debts

Counties may exchange stock for bonds

Be it enacted by the Council and House of Representatives of Colorado Territory, That the Board of County Commissioners of any County in this Territory, that has issued, or that may hereafter issue, any bonds in aid of any railroad company in exchange for its stock, may exchange such stock held by such county for all bonds issued to such company, together with coupons belonging to the same remaining unpaid at the time of such exchange.

Publication of intention to exchange

SEC. 2. Such exchange shall not be made except after notice given by the County Commissioners of their intention so to do, at least thirty days before the time of such proposed exchange Such notice to be given and published in same manner as the notice required by section (53) fifty-three, of chapter (18) eighteen, of the Revised Statutes. And if, at the expiration of such time, fifty voters of such County, who may feel aggrieved, shall in writing, request of said County Commissioners that an election be held to determine whether such exchange shall be made or not, it shall be the duty of said Board to call an election, and such election shall be called, held and conducted, and the votes cast at the same shall be canvassed, and the result declared, as provided by said section fifty-three, (53) of chapter eighteen (18), of the Revised Statutes, and if it shall appear that at such election there was a majority of the legal votes in favor of such exchange, then the exchange shall be made; but if it appear that a majority of the legal votes cast at said election was against such exchange, the same shall not be made; but if notice be given as required in the preceding part of this section of such proposed exchange, and the request for an election shall not be made as aforesaid, then such exchange shall be made.

SEC. 3. If at any time such exchange shall be made, the said Board of County Commissioners may assign such stock, and shall, on the receipt of such bonds, in the presence of the clerk of said Board, or his deputy, cancel such bonds by writing the word "cancelled" on the face of such bonds, and by cutting off the seal of the County from such bonds, and all coupons still attached to such bonds shall be cut off and burned in the presence of said Board, and the said clerk or his deputy, and the clerk of the said Board shall make a record of the proceedings, stating what bonds were cancelled, how many and what coupons, if any, were cut off and burned. Regulation of such exchanges.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To authorize the Funding of the Debt of the several Counties of Colorado Territory

Be it enacted by the Council and House of Representatives of Colorado Territory, That the several Counties of Colorado Territory are hereby authorized to issue to any person or corporation holding any county order or orders of said Counties issued prior to February 1, A. D. 1874, coupon bonds of said County in lieu thereof to any amount equal to the face of said order or orders. Coupon bonds

SEC. 2. The Board of County Commissioners of the different Counties shall also have the right to sell any of such bonds to any person not holding or not wishing to exchange county orders, but no bond shall be sold unless for cash and not then at a discount of more than five (5) per cent. on its par value including the cost and commission of sale. The money arising from the sale of such bonds shall be forthwith used in redeeming the outstanding orders of said County, and for no other purpose whatever. Regulating the sale of bonds

Denomination of bonds and rate of interest.

SEC. 3. No bonds shall be of a less denomination than fifty ($50) dollars and if issued for a greater amount than for some multiple of that sum, such bonds to draw interest at the rate of ten (10) per cent. per annum from the date of their delivery, the interest to be paid at the office of the County Treasurer on the first (1st) day of January in each year upon the production of the proper coupons for the same, such bonds to be payable at the pleasure of said County after the year 1879, but due and payable absolutely on the 31st day of December, 1882; *Provided*, That the whole amount of the bonds issued under this act shall not exceed the sum of the County indebtedness existing the first day of February A. D. 1874; *and provided further*, that it shall be the duty of the County Commissioners of any County when they shall determine to issue bonds in pursuance of this act, to ascertain and determine the amount of county orders of such County issued prior to the first day of February, A. D. 1874, remaining due and unpaid at the time of such computation, and they shall make a certificate of the amount so ascertained and determined, and the said certificate shall be recorded by the Clerk of said County upon the records of said County, and the aggregate amount of bonds issued by such County shall not exceed the sum in said certificate mentioned, and any bond issued in excess of said bond shall be null and void.

Limitation of the issue

Authentication.

SEC. 4. The bonds issued as provided in sections one (1) and two (2) of this act shall be signed by the majority of the Board of County Commissioners, and attested by the Clerk of said County, and bear the seal of the County upon each bond, and shall be numbered and registered in a book kept for that purpose in the order in which they are issued, each bond shall state upon its face the amount for which the same is issued, to whom issued, and the date of its issuance.

SEC. 5. In no case in exchanging orders for bonds shall an order be taken for less than its par value, nor any bond be issued for less than its par value.

Commissioners to prescribe the form of bonds.

SEC. 6. The Board of County Commissioners are further authorized to prescribe the form of said bonds and the coupons thereto, and to provide for the annual interest accruing on the bonds actually issued and delivered, and for the ultimate redemption of such bonds, they may levy a tax upon all taxable property in the said counties for that purpose, which tax shall be paid in cash only, and shall be kept by the County Treasurer of said county as a special fund, to be used in the payment of the interest on and the redemption of such bonds only, such tax to be levied and collected as other taxes.

SEC. 7. Nothing in this act shall be construed to authorize any increase whatever in the debt of any county in this Territory.

SEC. 8. This act shall take effect and be in force from and after the first day of March, A. D. 1874.

Approved February 11th, 1874.

AN ACT

To authorize the Funding and Paying of the Debt of Clear Creek County.

DIVISION I.

FUNDING THE DEBT BY BOND.

Coupon bonds.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the Board of County Commissioners of Clear Creek County, Colorado Territory, are hereby authorized to issue to any person, or corporation, holding any County orders of said Clear Creek County issued prior to January 1, 1874, coupon bonds of said County of Clear Creek in lieu thereof, to an amount equal to the face of said order, together with the interest due thereon.

Regulating sale of bonds.

SEC. 2. The Board of County Commissioners of said County shall also have right to sell any of such bonds to any person not holding, or not wishing to exchange County orders; but no bond shall be sold unless for cash, and not then at a discount of more than five (5) per cent. on its par value, including the cost and commission of sale. The money arising from the sale of such bonds shall be forthwith used in redeeming the outstanding orders of said Clear Creek County, and for no other purpose whatever, said orders to be redeemed in the order of the date of their presentation to the County Treasurer for payment.

Interest, rate and principal—how paid.

SEC. 3. No bond shall be for a less denomination than fifty (50) dollars, and if issued for a greater amount than for some multiple of that sum, such bonds to draw interest at the rate of ten (10) per cent. per annum from the date of their delivery, the interest to be paid at the office of the County Treasurer on the first (1st) day of January in each year upon the production of the proper coupons for the same, such bonds to be payable at the pleasure of said County after the year 1876, but shall be due and payable absolutely as follows, to-wit: Five thousand (5,000) dollars of said bonds to be due and payable on the first (1st) of January, A. D., 1879. Ten thousand (10,000) dollars of said bonds to be due and payable on the first (1st) day of January, A. D., 1883, and the balance of said bonds to be due and payable on the first (1st) day of January, A. D., 1887; *Provided*, That the whole amount of the bonds issued under this Act shall not exceed the sum of twenty-five thousand (25,000) dollars.

SEC. 4. The bonds issued, as provided in section one (1) and two (2) of this Act, shall be signed by a majority of the Board of County Commissioners, and attested by the Clerk of said County, and bear the seal of the County upon each bond, and shall be

numbered and registered in a book kept for that purpose in the order in which they are issued; each bond shall state upon its face the amount, to whom issued, and the date of its delivery. Registration.

SEC. 5. In no case in exchanging orders for bonds shall an order be taken for less than its par value, nor any bond be issued at less than its par value, except as provided in section two (2) of this Act.

SEC. 6. The Board of County Commissioners of said County are further authorized to prescribe the form of said bonds, and the coupons thereto; and to provide for the annual interest accruing on the bonds actually issued and delivered, and for the ultimate redemption of such bonds, they may levy tax upon all taxable property in Clear Creek County for that purpose, which tax shall be paid in cash only, and shall be kept by the County Treasurer of said County as a special fund, to be used in the payment of the interest on, and the redemption of these bonds only. The Board of County Commissioners may, at their discretion, after the year 1876, levy an annual tax equal to ten (10) per cent. of the amount of bonds issued, which tax, when collected, shall constitute a sinking fund and to be applied in the redemption of the bonds; *Provided*, That in no case shall said tax be levied and collected except when there shall be due and payable a sufficient amount of said bonds to meet the tax so collected; such tax to be levied and collected as other taxes. Interest and redemption.

SEC. 7. Nothing in this Act shall be construed to authorize any increase whatever in the debt of Clear Creek County.

DIVISION II.

PAYING THE DEBT BY SPECIAL TAX.

SEC. 1. The Board of County Commissioners of Clear Creek County, Colorado Territory, shall have power and be authorized (for the purpose of paying

the County indebtedness accrued and existing on the first day of January, A. D., 1874) to levy a special tax that shall not exceed five (5) mills on the dollar in any one year, to be paid in cash or in County orders, or both, at the option of the taxpayer.

Special tax levy

SEC. 2. Said special tax to be levied on all taxable property within said Clear Creek County, and to be collected in the same manner as all other taxes; and when so collected shall constitute a fund for the purpose of paying off the said County indebtedness, and shall not be applied to any other purpose whatever.

SEC. 3. The County orders paid in satisfaction of this special tax shall be received at par value by the County, and shall be considered to be redeemed and passed to the credit of said County. The cash realized from the collection of said special tax shall be expended in redeeming outstanding County orders issued prior to the first day of January, A. D. 1874, in the order of the date said orders shall have been presented to the County Treasurer for payment.

County orders

SEC. 4. In the payment of said special tax no order shall be received in liquidation thereof that has been issued subsequent to the first day of January, A. D., 1874.

SEC. 5. The Board of County Commissioners may continue to levy the special tax of five (5) mills on the dollar, annually, until the whole of the County indebtedness existing on the first day of January, 1874, shall have been paid.

SEC. 6. Nothing in this Act shall be construed to authorize the said Board of County Commissioners to operate under the provisions of Divisions one (1) and two (2) at the same time—but they must elect to liquidate the said County indebtedness—either by bonding the same, under the provisions of Division one (1) of this Act, or by special taxation under the provisions of Division two.

Powers of Commissioners defined

SEC. 7. All Acts and parts of Acts so far as the same pertain to Clear Creek County and inconsistent herewith, are hereby repealed.

SEC. 8. This Act shall take effect and be in force on and after the first day of April, 1874.

Approved February 13th, 1874.

AN ACT

To Enable the County Commissioners of Las Animas and Conejos Counties to Levy a Special Tax for the Purpose of Building Jails.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the Board of County Commissioners of Las Animas and Conejos Counties are hereby authorized to levy a special tax on the taxable property of said Counties annually, not exceeding two (2) mills on the dollar, which tax shall be collected by the County Treasurers of said Counties, and shall be due and collected at the time and in the manner that other county taxes and due and collected according to law.

SEC. 2. Said tax shall be payable in cash, and when collected shall be set aside as a special fund and shall be used only for the purpose of erecting a suitable jail at the town of Trinidad for said County of Las Animas, and at the town of Conejos for the said County of Conejos. This tax to be applied to a special fund

Approved February 13th, 1874.

AN ACT

For the Reimbursement of Fremont County for Moneys Spent by said County in the Care and Support of Certain Lunatic Paupers.

WHEREAS, It has been made to appear from legally authenticated vouchers filed in the office of the Ter- Preamble

ritorial Auditor, that the County of Fremont has expended the sum of $600.05 for the support and custody of one Mrs. Rollins, a lunatic pauper, from the first day of January, A. D. 1871, to January 1st, A. D. 1872; and also that the said County has expended the further sum of $825.22 for the support and custody of one Thomas Forfar, also a lunatic pauper, from the 6th day of February, A. D. 1871, to January, 1872, therefore, for the purpose of reimbursing said County for the moneys so expended.

Appropriation

Be it enacted by the Council and House of Representatives of Colorado Territory, That the sum of fourteen hundred and twenty-five dollars and twenty-seven cents be allowed to said County of Fremont, and that said amount be credited to said County on the amount of taxes due from said County to the Territory, and that the Treasurer of said Territory be and he is hereby authorized to credit said County of Fremont the said sum of fourteen hundred and twenty-five dollars and twenty-seven cents, and give his receipt to the County Treasurer of said County for that amount as so much of the tax due from said County of Fremont to the Territory of Colorado.

Approved February 13th, 1874.

AN ACT

To Release a Certain School Tax voted by School District No. 2, Park County.

Be it enacted by the Council and House of Representatives of Colorado Territory, That a certain tax voted by the electors of School District No. Two (2), in Park County, Colorado, in the year eighteen hundred and sixty-nine, for school purposes, be and the same is hereby remitted and released unto the tax payers of said district.

SEC. 2. This act to take effect on and after its passage.

Approved February 13th, 1874.

AN ACT

To Legalize and Confirm Certain Deeds Executed by Probate Judges of Pueblo County.

Be it enacted by the Council and House of Representatives of Colorado Territory, That all deeds heretofore made and executed by the several Probate Judges of Pueblo County, of lots or parcels of land embraced in the entry made by Mark G. Bradford, Probate Judge of said County, to-wit: the west half of the north-west quarter of section thirty-one in township twenty, south of range sixty-four west, and the east half of the north-east quarter of section thirty-six, township twenty, south of range sixty-five west, on the nineteenth day of January, A. D. 1869, and patented by the United States on the fifth day of August, A. D. 1869, to the said Mark G. Bradford, Probate Judge in trust for the occupants of the town of Pueblo in said county, under the provisions of an act of Congress entitled "An act for the relief of the inhabitants of cities and towns upon the public lands," approved March 2nd, 1867, are hereby declared legal and valid and to have the same force and effect both in law and in equity as if chapter eighty-four of the Revised Statutes of Colorado had fully authorized the Probate Judges of said County to convey said lots and parcels of land under the provisions of said act of Congress.

SEC. 2. That all the sales and conveyances heretofore made by the several Probate Judges of said County of lots or parcels of land within the boundaries of the tract of land in the first section of this act described, are hereby ratified and confirmed. Conveyances ratified.

Approved February 7th, 1874.

AN ACT

To Reimburse Douglas County for the Support of Certain Lunatic Paupers

Be it enacted by the Council and House of Representatives of Colorado Territory, That the acts of the Probate Judge of Douglas County in said Territory, in and about the declaring of Lucius B. Adams and Joseph Hartman lunatics, and the appointment of Conservators for said lunatics respectively, be and the same are hereby legalized, and the Auditor of the Territory is authorized to pay seven hundred and thirty-seven dollars and sixty cents ($737.60), the amount necessarily expended by said County in and about the support of said lunatics, and the amount expended in and about the transportation of said Adams to South Boston, Massachusetts.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To Repeal an act entitled "An Act to Establish the County of Platte and to Define the Boundary Lines thereof," approved February 9, 1872

Be it enacted by the Council and House of Representatives of Colorado Territory, That an act entitled "An act to Establish Platte County and to Define the Boundary Lines thereof," be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 9th, 1874.

AN ACT

Relating to County Commissioners.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the Board of County Commissioners of any County, whenever they may become satisfied that they have a population of ten thousand and upwards shall be empowerd to appoint one competent person who is a citizen of the County in which such Board of Commissioners reside, to take the census of said County; and when it shall be ascertained that the County contains the amount of population as above specified, then the Board of County Commissioners shall consist of six qualified electors, any four of whom shall be competent to transact business.

When census may be ordered taken

SEC. 2. Upon such counties having such population required by section one of this act, there shall, at the next general election to be held in such county thereafter, be elected four County Commissioners, one of whom shall hold his office for one year, one for two years, and two for three years, and ever afterward there shall be elected annually two County Commissioners who shall hold their offices for the term of three years.

SEC. 3. All acts and parts of acts inconsistent with this act and in conflict therewith be and the same is hereby repealed.

SEC. 4. This act shall be in force and effect from and after its passage.

Approved February 13th, 1874.

AN ACT

To Authorize County Commissioners to fill Vacancies in Office.

Be it enacted by the Council and House of Representatives of Colorado Territory, That in case of any va-

cancy now existing or which may hereafter occur in any county office, or township or precinct office in any county of this Territory, except in the office of Commissioner, by reason of resignation, removal or otherwise, the County Commissioners of said County are hereby authorized and empowered to fill such vacancies by appointment, and such appointee shall hold his office until the next general election, unless sooner removed as now provided by law.

SEC. 2. Nothing in this act shall be deemed to impair the right of County Commissioners to order special elections whenever the public good shall seem to require it.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved February 6th, 1874.

AN ACT

Prescribing the duties of County Commissioners in Las Animas County in regard to Establishing Voting Precincts.

Be it enacted by the Council and House of Representatives of Colorado Territory, That hereafter the County Commissioners of Las Animas County shall not establish any election precincts in which the number of qualified electors shall be less than fifty (50) in number entitled to vote in such precinct when established.

SEC. 2. That this Act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

Authorizing the Commissioners of Douglas County to Provide a Fund for the Erection of Public Buildings.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the County Commissioners of the County of Douglas, Colorado Territory, shall have power and full authority to make all needful arrangements for having the County Seat of said County laid off into blocks, lots, streets and alleys, by a competent surveyor, employed by them for that purpose.

SEC. 2. The said County Commissioners of said County are authorized to advertise and sell to the highest and best bidder, for cash, any or all of the lots or blocks so laid off and surveyed.

SEC. 3. The said County Commissioners shall cause a plat of said surveys to be filed with the County Clerk of said County, after which the said Board of Commissioners shall give to the purchasers of any of the said lots or blocks, describing the same therein certificates, which shall be signed by the Chairman of said Board and attested by the Clerk. Plats of surveys to be filed.

SEC. 4. Upon presentation of said certificate to the Probate Judge of said County, it shall be his duty to issue a deed to the person therein named, to the therein described lots or blocks of land, and the said judge is not authorized to issue any deed to any person, unless a certificate [be] first presented to him, signed as aforesaid, which certificate shall be filed by him and kept in his office, so soon as the said deed is delivered as aforesaid.

SEC. 5. The amount so realized from such sales shall be used only by said Commissioners in the erection and completion of a Court House and Jail in said County, where the majority of all the votes cast for the permanent location of the County Seat shall be. Proceeds of sales

SEC. 6. The said County Commissioners are hereby authorized to levy, in addition to all other taxes required for County purposes, or cause to be levied a tax of not to exceed two mills on the dollar on all real and personal property on the tax rolls for the year A. D. 1874, for the purpose of putting up the County Buildings aforesaid.

SEC. 7. The said Commissioners shall possess full power and authority to make all and any contracts for the purpose of erecting the Court House and Jail or either of them.

SEC. 8. This act to take effect and be in full force so soon as the place voted for for the County Seat of said County shall have received a majority of all the votes cast, and shall have been declared to be the County Seat by order of the Board of Commissioners, whose duty it shall be so to do within twenty days from the time of canvassing the vote by them cast, as now provided by law.

Approved February 13th, 1874.

AN ACT

Authorizing the County Commissioners of the County of Bent to levy a Special Tax for the purpose of building a Court House and Jail.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the County Commissioners of the County of Bent may, and are hereby authorized, if they deem it advisable, to levy a special tax of not more than three (3) mills on the dollar of the assessed valuation of all real and personal property in said County, for each year, for the purpose of building a Court House and Jail for said County, which fund shall, when collected, be kept as a separate fund for such purpose by the Treasurer of said County, and shall be paid out by him on the order of the County Commissioners of said County.

SEC. 2. Said County Commissioners shall have full power to make all necessary contracts for the purpose of carrying into effect the provisions of this Act.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 12th, 1874.

AN ACT

To Repeal an Act Authorizing the County Commissioners of Pueblo County to levy a Special Tax for the purpose of Building a Bridge across the Arkansas River.

Be it enacted by the Council and House of Representatives of Colorado Territory, That an act entitled "An act to authorize the County Commissioners of Pueblo County to levy a special tax for the purpose of building a bridge across the Arkansas river," approved January 22nd, 1872, be and the same is hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

Approved January 31st, 1874.

AN ACT

To Legalize the Locating and Recording of Mines and Property in La Plata County discovered and claimed previous to the purchase of such tract of land from the Indians.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the records of Animas and Eureka districts made since June 1st, 1871, of all property within the present limits of La Plata County, be and the same are hereby made a part of the County records of said County of La Plata, said

district records shall be placed with the Clerk and Recorder of Deeds of said La Plata County, and shall be kept at said office the same as other County records.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To provide Terms of Court in the Third Judicial District.

Be it enacted by the Council and House of Representatives of Colorado Territory, That terms of the District Court shall be held hereafter at the County seats of the several Counties in the Third Judicial District, commencing on the days following, in each and every year that is to say: In the County of El Paso, on the third (3) Tuesday in April, and the fourth (4) Tuesday in October; in the County of Fremont, on the first (1) Tuesday in May and the second (2) Tuesday in November; in the County of Bent, on the third (3) Tuesday in May, and the fourth (4) Tuesday in November; in the County of Pueblo, on the first (1) Tuesday in June, and the second (2) Tuesday in December; in the County of Las Animas, on the fourth (4) Tuesday in June, and the first (1) Tuesday in January; in the County of Huerfano, on the third (3) Tuesday in January; in the County of Costilla, on the third (3) Monday in July; in the County of Conejos, on the fourth (4) Monday in July; in the County of Rio Grande, on the first (1) Monday in August; in the County of La Plata, on the fourth (4) Monday in August; in the County of Saguache, on the third (3) Monday in September.

El Paso
Fremont.
Bent
Pueblo
Las Animas.
Huerfano.
Costilla
Conejos.
Rio Grande.
La Plata.
Saguache

SEC. 2. The District Court herein appointed to be held in the County of Pueblo, shall have and exercise within the Third Judicial District the jurisdic-

Shall exercise jurisdiction of circuit and district court in Pueblo.

tion of a Circuit and District Court of the United States, and causes civil and criminal arising in said district under the constitution and laws of the United States, shall be heard and determined in the said District Court of Pueblo County.

SEC. 3. All criminal causes and proceedings pending in any of the said District Courts shall be tried, heard, and determined at the terms of such courts herein appointed, although such terms may be held at an earlier day than those heretofore appointed.

Concerning causes pending prior to passage of this act.

SEC. 4. All civil causes, issues, and proceedings instituted, pending, or brought in any of the said District Courts in which process has been issued prior to the passage of this act, returnable to any term of court as provided by existing laws, shall be deemed and held to be pending in such courts at the term fixed by this act next succeeding the term to which such process shall have been made returnable; and such process shall be deemed and held to be returnable to the term of such court provided in this act next succeeding the term to which such process has been made returnable; *Provided*, That in all cases in which a term of any court shall by this act be required to be held prior to the time at which process shall have been made returnable according to existing laws as aforesaid, it shall be lawful for the parties to the action in which process shall have been issued, to sue out, and for the clerk of any court in which such action shall be pending, to issue other process returnable to the term of such court provided by this act, and thereafter the suit, action, or proceeding shall proceed, and if the same had been originally brought to the term of such court fixed by this act.

SEC. 5. The County of Hinsdale shall be and hereby is attached to the County of Rio Grande for judicial purposes, and the District Court when sit-

ting in the said County of Rio Grande, shall have and exercise jurisdiction in said County of Hinsdale.

Governor may direct terms of court to be held in Hinsdale County

SEC. 6. The Governor shall have power, and it shall be his duty to appoint and direct a term of the District Court, to be held in the said County of Hinsdale whenever it shall appear to him that the population and business of said County has been sufficient to warrant the holding of such court, and from and after the appointment of a court to be held in said County as aforesaid; the court so appointed to be held shall have and exercise jurisdiction in said county, and the jurisdiction of the said District Court of Rio Grande County, in the said County of Hinsdale, shall cease and determine, provided that such term of court, when appointed by the Governor, as aforesaid, shall be held each year until changed by law.

Repeal of prior acts

SEC. 7. All acts and parts of acts inconsistent with this act are repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To Provide for the holding of Courts within the First Judicial District of Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the terms of the District Court shall hereafter be held in the said district at the county seats of the several counties therein as the said county seats now are or may hereafter be established, commencing on the days following, in each and every year—that is to say, in the

In Arapahoe.

County of Arapahoe on the first Monday of April and on the second Monday of September; in the

In Douglas

County of Douglas on the fourth Monday of June;

in the County of Weld on the second Monday of June and on the fourth Monday of November; in the County of Park on the second Monday in July; in the County of Summit on the fourth Monday of July; in the County of Lake on the second Monday after the fourth Monday of July. In Park. In Summit.

SEC. 2. All causes, issues, proceedings, civil and criminal, instituted, pending, or brought in any court in this Territory, in which process has been issued prior to the passage of this act, returnable to any term of court as provided by existing laws, shall be deemed and held to be pending in such courts at the term in this act next succeeding the term to which such process shall have been made returnable, and such process shall be deemed and held returnable to the term of such court provided in this act next succeeding the term to which such process has been made returnable: *Provided*, That in all cases in which a term of any court shall by this act be held prior to the term at which process shall have been made returnable, it shall be lawful for the parties to the action on which such process shall have been issued, to sue out, and for the Clerk of any court in which such action shall be pending to issue other process returnable to the term of such court provided by this act, and thereafter the suit, action or proceeding shall proceed as if the same had been originally brought to the term of such court fixed by this act: *Provided further*, That suits commenced by attachment when the writ shall have been made returnable as aforesaid, a new writ may be issued returnable to the next term of the court, but of which the same shall have been issued as fixed by this act, and if the same shall not be served upon the defendant or defendants named therein, such defendants shall be notified by publication to appear at the next term of such court as fixed by this act, in the way and manner provided by existing laws, and thereupon Relative to causes pending prior to passage of this act.

the court shall proceed in the same manner as in other suits of the same nature instituted to such term.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

Prescribing the time of holding the District Courts in the Second Judicial District.

Be it enacted by the Council and House of Representatives of Colorado Territory, That hereafter the District Courts of the Second Judicial District shall be held as follows: In the County of Jefferson, on the first Monday in April, and the first Monday in October; in the County of Boulder, on the third Monday in April, and the third Monday in January; in the County of Gilpin, on the first Monday in May, and the first Monday in November; in the County of Clear Creek, on the first Monday in June, and the first Monday in December; in the County of Larimer, on the second Tuesday in July.

As to causes pending prior to the passage of this act

SEC. 2. All causes, issues, and proceedings, civil and criminal, now pending in the District Court of the Counties above named, in which process has been issued or publication had, prior to passage of this act, returnable to any term of Court as provided by existing laws, shall be deemed and held to be pending in, and returnable to the term of Court as provided for and fixed in this act, and shall be disposed of as though the same had been made specificially returnable to the term of court as prescribed herein, and the same shall apply to recognizances taken in criminal cases, *Provided*, That in all cases in which a term of any court shall by this act be held prior to the time at which process shall have been return-

able, it shall be lawful for the parties to the action on which such process shall have been issued, to sue out, and for the clerk of any court in which such action shall be pending, to issue other process returnable to the term of such court as is provided by this act, and thereafter the suit, action, or proceeding shall proceed as if the same had been originally brought to the term of such court as fixed by this act. *Provided further*, That in suits commenced by attachment, when the writ shall have been made returnable as aforesaid, a new writ may be issued, returnable to the next term of the court out of which the same shall have been issued, as fixed by this act, and if the same shall not be served upon the defendant or defendants named therein, such defendants shall be notified by publication to appear at the next term of such court as fixed by this act, in the way and manner provided by existing laws, and thereupon the court shall proceed in the same manner as in other suits of the same nature instituted to such term.

SEC. 3. All acts or parts of acts, so far as they conflict with this act, are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved January 31st, 1874

AN ACT

To repeal an act entitled "An act to authorize the District Courts to allow fees to counsel assigned to prisoners in certain cases."

Be it enacted by the Council and House of Representatives of Colorado Territory, That the act of the Legislative Assembly entitled "An act to authorize the District Courts to allow fees to counsel assigned to prisoners in certain cases," approved January 26th, 1872, be and the same is hereby repealed.

Approved February 3d, 1874.

AN ACT

Concerning cases pending in any District Court, the venue of which has been changed thereto.

Be it enacted by the Council and House of Representatives of Colorado Territory, Hereafter in any cause, civil or criminal, pending in the District Court of any county of this Territory, the venue of which has been changed thereto from some other county, all the expense incurred by the county in which any such case is tried for and on account thereof, shall be refunded to such county by the county in which such cause was originally instituted.

SEC. 2. It is hereby made the duty of the Clerk of such District Court to keep an account as near as may be of all such expenses in any such case, and submit the same for approval to the Judge of said Court, and when approved by said Judge, to certify the same under his hand and the seal of such Court to the Board of County Commissioners of the county in which such cause was originally brought, who shall, at their next session, issue an order for the amount thereof upon the Treasurer of their county in favor of the Board of County Commissioners of the county in which such cause was tried, in the same manner as county orders are drawn in other cases, and remit the same to the County Clerk of the county in whose favor the same has been issued, who shall keep an account thereof, and when collected, pay the money into the hands of the Treasurer of his county, and the same shall constitute a part of the county funds; but before the remittance of such order as aforesaid, the same shall be presented to the County Treasurer of such county who shall indorse thereon the date of such presentation, and whether there are any funds in his hands with which to pay the same, and the same shall draw the legal rate of interest from such date, and shall be paid out of the county funds.

Approved February 6th, 1874.

AN ACT

To authorize the Courts to summon witnesses from foreign Counties.

Be it enacted by the Council and House of Representatives of Colorado Territory, The several District Courts of the Territory shall in all cases, civil as well as criminal, have power to compel the attendance of witnesses residing beyond the county in which the Court is held: *Provided*, that no subpœna shall be issued in any civil cause to any foreign county, except upon the order of the Court in term time, or of the Judge thereof in vacation. And the said order shall not be granted, unless in the opinion of the Court or Judge it shall be necessary that the witness be personally present at the trial.

SEC. 4. This act to take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

Concerning the Prosecution of Crimes and Misdemeanors not Capital or Infamous

Be it enacted by the Council and House of Representatives of Colorado Territory, That whenever hereafter it shall be made satisfactorily to appear to the District Attorney or other Attorney prosecuting the pleas of the people in pursuance of law, that any person hath committed any crime or misdemeanor not capital or infamous, or whenever any person shall, upon examination before any judge or other magistrate, have been held to bail to answer unto any indictment or other charge of any such crime, or committed to jail for default of such bail, it shall be the duty of such District Attorney, or Attorney prosecuting the pleas of the people pursuant to law, to file in the District Court of the County wherein such crime or misdemeanor shall be charged to have [been] committed, or in the District Court

Duties of District and other attorneys

of the County to which such County shall be attached for judicial purposes, his information against the person so charged, wherein shall be set forth the facts which constitute the offense charged, with the same particularity and certainty as now required in an indictment therefor. Every such information shall be signed by the District Attorney or other Attorney prosecuting the pleas of the people pursuant to law, and need not be otherwise authenticated, and such crimes and misdemeanors shall not be enquired or persecuted [prosecuted] by any grand jury.

Proceedings when the accused is held to bail

SEC. 2. When the accused person shall have been held to bail to answer to any such charge upon examination had before any magistrate, the District Attorney, or other Attorney prosecuting the pleas of the people pursuant to law, may file such information in vacation, and upon the filing of such information the Judge of the District Court may, in his discretion, direct that a warrant issue for the arrest of the offender, and may direct in what sum bail shall be taken, and thereupon such accused person may give bail as in other cases.

Duty of the court when information is filed in term time.

SEC. 3. Upon the filing of such information in term time, the court shall direct that a warrant issue for the arrest of the person or persons therein charged, every such warrant shall be issued, directed, and served, as in other cases.

When information is filed upon affidavit, court to adjudge costs

SEC. 4. When the information is filed upon the affidavit of a prosecuting witness, and upon the trial the defendant is acquitted, the court may, in its discretion, adjudge the costs of such proceedings against the prosecuting witness.

Fees of the prosecuting attorney

SEC. 5. The District Attorney, or other Attorney prosecuting the pleas of the people in pursuance of law, shall be allowed the same fees in all cases wherein the presentment is by information, as provided by law, upon indictments.

Approved February 13th, 1874.

AN ACT

In regard to the Liability of Securities for Costs.

Be it enacted by the Council and House of Representatives of Colorado Territory, That section twenty-one of chapter nineteen (19) of the Revised Statutes be and the same is hereby amended so that the same shall read as follows: The Clerk shall make out a bill of costs as the same have been taxed in any cause against the party liable to pay the same and his security, for costs if any, together with his precept, directed to the sheriff of the proper county, commanding that if the costs in the said bill of costs mentioned be not paid within thirty days after demand made therefor, he cause the same to be levied if the goods and chattels, lands, and tenements of the party so liable therefor, and his security if any named therein. Every such fee bill shall run in the name of the people, shall be under the seal of the Court, and shall be returnable within ninety days from the date thereof, and the sheriff shall proceed thereon in all things as on a writ of *fieri facias*.

Approved February 13th, 1874.

AN ACT

To amend Division Six (6) Chapter Twenty-Two (22) of the Revised Statutes of Colorado Territory, entitled Criminal Code.

Be it enacted by the Council and House of Representatives of Colorado Territory, If any person shall wilfully and maliciously kill, cripple or injure any horse, mare or gelding, or any bull, cow, steer, heifer, or calf, or any mule or sheep, or shall maliciously run down or drive from its usual range any animal above mentioned, or shall scatter or drive from their usual range any flock or herd of sheep, or any herd or

Penalty provided for wilfully injuring animals or destroying property of herders

band of neat cattle, horses or mules, or of any of the animals above mentioned, or shall destroy or injure any camp, shanty, cabin or house occupied by any herder or shepherd or his assistants, or injure any horse or other animal in the possession of such herder or shepherd with intent and for the purpose of hindering or preventing such herder or shepherd from herding or keeping any flock of sheep or herd of cattle, or either animals, in the vicinity where such acts or any of them may be committed, or in or on any range or portion of this Territory whatever, or with intent to hinder or prevent any such herd or flock as aforesaid from being kept, herded, or pastured on any particular range or portion of this Territory, or with intent to break up, hinder, prevent, disturb, or molest the business of herding or keeping any such flock or kind of flock, or herd or kind of herd, or raising, or producing, or propagating the same in any portion of this Territory, every person so offending shall be deemed guilty of a high misdemeanor and on conviction thereof shall be punished by a fine not less than the amount of injury done the property injured, and by imprisonment in the penitentiary not less than six months nor more than two years or both as the jury rendering the verdict of conviction may determine, and said jury shall fix the amount of fine and the duration of such imprisonment in all cases.

SEC. 2. Every person guilty of any offence above herein mentioned shall in all cases be liable to any party injured thereby in three times the amount of the actual injury done by the commission of such offense, whether the offender be convicted on any criminal presentation or not.

SEC. 3. This act shall take effect and be in force from and after the first day of March, A. D. 1874.

Approved February 11, 1874.

AN ACT

To amend the Criminal Code.

Be it enacted by the Council and House of Representatives of Colorado Territory, That every person who shall mingle or caused to be mingled with any sample of gold or silver bearing ore any valuable metal or substance whatever that will increase or in any way change the value of said ore, with the intent to deceive, cheat or defraud any person or persons shall, on conviction thereof, be punished by a fine not less than five hundred nor more than one thousand dollars, or by confinement in the penitentiary for a term not less than one nor more than fourteen years, or by both such fine and imprisonment.

Salting of ores prohibited.

SEC. 2. This act to take effect and be in force on and after its passage.

Approved February 12th, 1874.

AN ACT

To amend the Criminal Code.

Be it enacted by the Council and House of Representatives of Colorado Territory, That If any person shall hereafter throw or discharge into any stream of running water or into any ditch or flume in this Territory any obnoxious substance such as refuse matter from a slaughter house or privy, or slops from eating houses or saloons, or any other fleshy or vegetable matter which is subject to decay in the water, such person or persons shall upon conviction thereof be punished by a fine not less than one hundred dollars nor more than five hundred dollars for each and every offence so committed.

Penalty for throwing garbage into running streams

SEC. 2. This Act shall take effect and be in force on and after its passage.

Approved February 13th, 1874.

AN ACT

To amend Section one hundred and fifty-six (156) of the Criminal Code.

Be it enacted by the Council and House of Representatives of Colorado Territory, That section one hundred and fifty-six (156) of the Criminal Code be amended so as to read as follows: Whoever shall be guilty of any noise, rout or amusement on the first day of the week, called Sunday, whereby the peace of any private family may be disturbed, or who shall, by a disorderly or immoral conduct, interrupt or disturb the meeting, processions or ceremonies of any religious denomination, on either a Sunday or week day, such person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding fifty dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 10, 1874.

AN ACT

To amend Section One Hundred and Thirteen of Chapter Twenty-Two of the Revised Statutes of Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory, That section one hundred and thirteen (113) of chapter twenty-two of the Revised Statutes of Colorado be amended by striking out after the third word in the first line, "at late or unusual hours of the night."

SEC. 2. This act shall take effect from and after its passage.

Approved January 31st, 1874.

AN ACT

Concerning Damages in Certain Cases.

Be it enacted by the Council and House of Representatives of Colorado Territory, That section forty-eight (48) of chapter eighteen (18) of the Revised Statutes of Colorado, be amended by inserting the following words at the conclusion of said section: That the appraisers, in any case where a railroad company is the applicant, shall designate what number, if any, of water ways, for irrigating purposes, may be necessary for the said company to construct under its road bed, and the width and depth of the same, and what number of cattle guards said company shall construct on said land, and where the same shall be placed; and it shall be the duty of such railroad company to construct such water ways and cattle guards within a reasonable time after taking possession of such land. Water ways.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 10th, 1874.

AN ACT

To Establish a School for Deaf Mutes in Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory, That there shall be organized and established at the town of Colorado Springs, El Paso County, Territory of Colorado, an Institution, the recognized object of which shall be: 1. The provision of a school wherein the deaf mutes of the Territory shall receive an education. 2. The provision of a home wherein the said deaf mutes shall receive necessary care and protection while pupils in said school.

Respecting the Board of Trustees.

SEC. 2. The Board of Trustees of said Institution shall consist of seven (7) persons as follows: James P. Maxwell, J. C. Thatcher, R. G. Buckingham, J. S. Wolfe, A. Z. Sheldon, Wilbur F. Stone, and Matt France. To be divided into three (3) classes. The first class shall hold their term of office one year; the second class two years; and the third class three years, except the President of the Board who shall hold his office three years. It shall be the duty of such Board of Trustees on or before the first Monday of May next to meet at said town of Colorado Springs for the purpose of organization. After such organization the Board shall designate by lot the class the several members of the Board shall belong to, except the President. Four members of said Board shall constitute a quorum for the transaction of business. All vacancies in the Board of Trustees occurring between the sessions of the legislature shall be filled by the Board, and such appointees shall serve the full term of the person whose place they shall be elected to fill, unless the legislature shall meet in the meantime, when a new member shall be elected.

Rules and regulations.

SEC. 3. The Board may make all suitable rules and regulations concerning the property of the institution for the education of mutes, and all rules and regulations concerning the governing of such institute and the admission of persons thereto not inconsistent with acts of Congress, organic acts, and acts of the Territory of Colorado.

SEC. 4. Such institute for the education of mutes shall be a body corporate under the name of "Institute for the Education of Mutes," may sue and be sued, may take and hold real estate by purchase, gift, devise, or otherwise, for the use and benefit of such institute.

Organization of Board of Directors.

SEC. 5. Said Board of Directors shall organize by electing from among themselves a President, Secretary, and Treasurer. The President shall preside

over all meetings of the Board, sign, with the Secretary, all orders on the Treasurer, and perform such duties as may be delegated to him by the Board. The Secretary shall keep and have charge of, in trust for the Institution, all records, papers and accounts of the same, except such records, papers and accounts as are needed by the Treasurer and officers of the Institution for their immediate use in the discharge of their duties. He shall also draw and sign with the President all orders on the Treasurer. The Treasurer shall keep and have charge of, in trust for the said institution, all funds and immediate accounts of funds of the same. He shall pay, on order of the Board, all accounts by them allowed, and shall quarterly certify to said Board the receipts and disbursements by him made during the preceding quarter. Said Treasurer shall be and he is hereby required to give bonds to the Territory in double the amount which may come into his hands, with good and sufficient securities for the same, to be approved by the Governor and filed in the office of the Territorial Secretary.

SEC. 6. Each and every member of said Board shall and they are hereby required before entering upon their duties to take and subscribe an oath to support the Constitution of the United States and Organic Act of the Territory of Colorado, and faithfully discharge the duties required of them by the provisions of this act.

SEC. 7. Said Board shall and they are hereby required to meet quarterly and audit all accounts which may be presented to them, and require orders to be drawn and signed on the Treasurer for the payments of all such accounts as are allowed. They shall examine all records and accounts of the Treasurer, Secretary, and officers of the Institution, and make full and adequate provision for the support, progress, regulation and government of the Institu- Audit and payment of claims.

tion during the ensuing quarter. Said Board shall have power to meet at any time on call of the President or of three (3) members.

SEC. 8. Said Board of Directors shall secure and employ all officers and teachers of said Institution. The officers of said Institution shall be a Principal, Steward, and Matron.

The Principal

SEC. 9. The Principal shall be a non-resident officer of said Institution. He shall be subject to the control of the Board, to whom he shall annually certify a full and written report of the true condition of the educational department of the Institution of which he shall have control, and of his action and proceedings therein as such Principal. He shall keep and have charge of the necessary records, register, and accounts of said department, have supervision of its teachers, and pupils during school hours, and perform such other duties in said department as the Board may direct and instruct.

The Steward

SEC. 10. The Steward shall be a resident officer of said Institution, and shall be subject to the control of the Board, to whom he shall quarterly certify a full and written report of all his action and proceedings as such Steward. He shall have charge of the premises of the domestic department, and of such portion of the house as may be occupied by the male pupils exclusively. He shall have control of the expenditures, and secure and employ all assistants needed therein. He shall have special charge and entire control of the male pupils out of school hours, and shall furnish them with and instruct them in employment about the premises and the domestic departments or in some trade to which they are adapted.

Matron.

SEC. 11. The Matron of said Institute shall also be a resident officer of said Institution, and be subject to the control of the Board, to whom she shall quarterly certify a full and written report of all her ac-

tion and proceedings as such Matron. She shall have especial charge and entire control of the internal management of the house, and of the female pupils of the Institution out of school hours, and shall instruct them in and about the house and the domestic department, or in some trade to which they are adapted.

To whom privileges shall be extended.

SEC. 12. The privileges of the educational department shall be free to all deaf mutes of the Territory, but deaf mutes whose parents are able to furnish them care and protection at their own expense, shall be required to do the same, or pay into the Treasury of the Institute a reasonable sum quarterly for the right to the privileges of the domestic department.

When appropriation shall be paid.

SEC. 13. Whenever the citizens of the town of Colorado Springs and El Paso County shall donate to such Institute for the education of mutes, conditioned upon the erection of buildings thereon, a tract of land not less than five (5) acres, and within the corporate limits of the said town of Colorado Springs, then the Auditor of the Territory shall draw a warrant on the Treasurer of the Territory in favor of the Treasurer of the Institute for the education of mutes, for the sum of five thousand dollars ($5,000) which amount is hereby appropriated for that purpose out of any moneys in the Treasury of the Territory not otherwise appropriated.

Statements to be made to the Governor.

SEC. 14. The President of the Board of Trustees shall on or before the first day of December in every year make out and forward to the Governor of the Territory a full and complete report as follows, to-wit: 1st. A statement of the financial condition of the Institute from date of last report, giving in detail amount of moneys received from all sources, and the amount expended in detail, specifying to whom and for what paid out. 2nd. Value of real estate at date of report and cost of improvements made (if any) since last report. 3rd. Number of pupils in at-

tendance, also number that have entered the Institute, and the number of those who may have left it. 4th. The number of deaths if any, that may have occurred in the Institute. 5th. The general character, improvement, discipline and health. 6th. The number of officers and teachers employed, with the salaries of each. 7th. All other needful information touching every point that may be deemed of interest to be communicated.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To provide a Fund for the Maintenance and Education of the Deaf Mutes of Colorado.

Be it enacted by the Council and House of Representatives of Colorado Territory, That there shall be levied and assessed upon all taxable property both real and personal, within this Territory, in each year, the following tax for the support of the school for deaf mutes in Colorado Territory: One-fifth (1-5) of one mill on each and every dollar, to be known as the Deaf Mute tax, which shall be assessed and collected in the same manner and at the same time as is now or may be prescribed by law for the assessment and collection of Territorial Revenue.

Assessment.

SEC. 2. It shall be the duty of every County Treasurer in this Territory to provide suitable books, in which shall be entered an account of all taxes collected in pursuance of this act; he shall also enter in said book an account of all money transmitted to the Territorial Treasurer on account of said fund as hereinafter provided.

Duties of County Treasurers under this act.

SEC. 3. The fund so created shall be applied exclusively for the care and support of the deaf mutes of this Territory.

SEC. 4. It shall be the duty of the County Treasurer, in the several Counties, to preserve the deaf mute fund as provided by this chapter, a separate fund, and to transmit the balance annually to the Treasurer of the Territory along with the Territorial taxes, and the Territorial Treasurer shall keep the same as a Territorial Deaf Mute Fund, to be at the disposal of the Board of Trustees of the School for deaf mutes in Colorado Territory, as provided by an act establishing a school for deaf mutes.

SEC. 5. Whenever there shall be any money in the hands of the Territorial Treasurer to the credit of the deaf mute fund, the Auditor of the Territory is hereby authorized to draw his warrant upon the Treasurer of the Territory for the payment in favor of the Treasurer of said Board of Trustees of said school for deaf mutes, in such sums as said Board of Trustees shall deem necessary to meet the running expenses of said Institute, and whenever the funds will warrant, and the necessities of the Institute require it, the said Board of Trustees are authorized and empowered to make such necessary additions to the buildings of said Institute as its necessities may require; *Provided*, That nothing herein shall be construed as authorizing or empowering said Trustees to create any indebtedness on said Institute beyond the means in the Treasury to liquidate the same before the improvements are begun.

Auditor to draw warrants on demand of Trustees.

SEC. 6. The Auditor of the Territory shall draw his warrant in favor of the Treasurer of said School for Deaf Mutes, when the draft of said Treasurer is accompanied by an order from the President of said Institute countersigned by the Secretary of said Board of Trustees, accompanied by a certificate from the Secretary of the Territory that his bond has been approved.

SEC. 7. This Act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

Concerning Elections.

ARTICLE I.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the persons authorized by law or appointed by the Board of County Commissioners of the several Counties of this Territory to act as Judges of Elections in the several wards and election precincts, and shall meet on Tuesday, three weeks before the day upon which the general election for Territorial and County officers shall by law be appointed to be held, at nine o'clock A. M. of said day, and proceed to make a registry list, as hereinafter prescribed, of the names of all persons qualified and entitled to vote at the ensuing election in the ward or precinct in which they are judges, which list, when completed and revised, as hereinafter provided, shall constitute the registry of electors of said precinct. Whenever at the last election in any precinct, prior to such meeting of the Board of Registry, the number of votes cast in such precinct shall have exceeded three hundred, the said Board may continue in session for the purpose of making such registry, five days, if necessary, otherwise, but three days.

Registration

SEC. 2. The list so made shall contain the names of the qualified electors of the ward or voting precinct in which the same is made, alphabetically arranged, according to surnames, so as to show in one column the names of the electors at full length, and in another the place of his residence, designated by the number or name of street, and number of house, if known, or the section or other subdivision thereof, according to United States surveys, on which such elector shall reside, if he reside on surveyed lands, and if not, such description as will best locate his residence. Said Board shall enter on said list

Arrangement of lists.

the names of all legally qualified electors in such ward or precinct, or of those who will become such by lapse of time, on or before the next ensuing day of such general election, as aforesaid, in all cases in which such entry can be made consistent with the provisions hereinafter contained. For the convenience of the said Board they are authorized to take from the office of the County Clerk the poll list of such ward or precinct, filed by the judges of the last preceding election in such precinct.

Said Board shall make four copies of such registry list when revised and completed, which list they shall certify to be correct, and forward one copy to the office of the County Clerk, and retain two copies for use on election day, and one copy they shall, within two days from the completion thereof, post in some conspicuous place where the last election was held in such precinct, and so as to be accessible and convenient to any elector who may desire to inspect the same. The Board of County Commissioners may cause to be printed and published any such registry list when completed, at an expense not exceeding two cents per name thereon. Publication of lists.

SEC. 3. Every Board of Registry shall meet on the Tuesday of the week preceding any and every general election, at the place designated for holding such election, for the purpose of revising, correcting and completing such registry list, and in all cases they shall meet at nine o'clock A. M., and remain in session until four o'clock of said day. Revision.

SEC. 4. No vote shall be received at any election unless the name of the person offering to vote shall be found on the said certified registry list.

SEC. 5. In cases of vacancy in the office of judge of election, existing at any time, the Board of County Commissioners shall fill the vacancy, and if there shall be a vacancy in the Board of Registry at any time, when they meet according to law, the vacancy Concerning vacancies in Board.

may be filled by the election by the qualified electors then present, of a qualified elector to serve as a member of such Board of Registry, until the appearance of a judge of election duly appointed in and for such ward or precinct.

Qualification of registrars

SEC. 6. Every judge of elections, or other person, serving on such Board of Registry, shall, before entering upon the duties of his office, take an oath, to be administered by any Justice of the Peace, or other officer present having power to administer oaths, faithfully to discharge the duties of registrar, according to law and to the best of his skill and ability.

Compensation

SEC. 7. The members of said Board of Registry shall receive the same compensation as now allowed by law to judges of elections, for every day actually employed in the making and completing of the registry.

Secretary of Territory.

SEC. 8. It shall be the duty of the Secretary of the Territory to make out a complete form of a Registry Book, alphabetically arranged, with the oath of the registrar in blank and the requisite blank columns properly headed, and to send printed copies thereof to the County Clerk of each County in the Territory, together with a sufficient number of copies of the registry and election laws bound in pamphlet form.

Registry books

SEC. 9. It shall be the duty of the County Clerk of each County to furnish annually, at least forty (40) days before the day of each general election for the use of the registers in each precinct or ward in his County, four printed copies of said blank registries, which shall be delivered by the Sheriff of the County to the judges of elections in such wards or precincts at the time of serving notice on said judges, which notice shall be served at least ten (10) days prior to the day of the first meeting of the Board of Registry as herein provided.

Judges of election in towns and cities

SEC. 10. The persons appointed Judges of Elections in every incorporated town or city, hereafter

shall meet on Tuesday of the week preceding each municipal election in town or city in which they are such judges, in the several precincts at the place of holding municipal elections therein, for the purpose of revising, correcting and completing the annual registry in this act required to be made, and for that purpose they are authorized to take from the office of the County Clerk the last annual registry of electors of the wards or precincts including the town or city in which they are appointed judges.

Revision and correction of lists

SEC. 11. The said last mentioned registers shall in all respects proceed in the revising and correcting of their respective wards or precincts as is hereinbefore provided for in the revision and correcting of the annual registries, except that the registry list so revised and corrected by such city or town registers shall be filed with the City or Town Clerk of the proper city or town.

SEC. 12. All registries taken from the County Clerk's office under the provisions of the last section shall be returned to the County Clerk within ten (10) days after the day of registry for which they may be taken out of the same.

Special elections

SEC. 13. The same proceedings shall be had in all cases of special elections, as are herein provided for general elections, so far as the same may be applicable.

Term of service of judges

SEC. 14. All judges of election shall, on being appointed, hold their office for one (1) year, or until their successors are appointed, and shall serve at all special elections during their term of office, and they shall, severally, before entering upon their duties as judges at any election, take and subscribe the oath prescribed by law in such cases.

SEC. 15. All judges of election now appointed shall hold their offices until the next appointment of judges by the Board of County Commissioners, and shall serve at all special elections during their term of office.

Of new election precincts.

SEC. 16. In case any new election precinct shall be formed, the County Commissioners shall immediately appoint judges of elections therein, and in the case of the division of any voting precinct, the names of all voters residing in that part of any precinct stricken off shall be striken from the registry list in the voting precinct from which such part shall have been stricken, and shall be inserted in the registry lists of the precinct to which such part may have been attached, at the first registration of voters' names in each such precinct respectively.

Repeal of registry law.

SEC. 17. An act entitled "An Act to create and establish a Board of Registry of Electors," approved January 10, 1868, is hereby repealed.

SEC. 18. That hereafter the Judges of Elections when acting as a Board of Registry in cases provided by law, shall not, in any case, allow the name of any person to be placed on the list of registered voters, called the Registry of Elections, in any ward or voting precinct, in this Territory, unless in the following cases:

Concerning registration of electors under this act.

First—When the person whose name is to be registered, and also the facts of his legal qualification as a voter in the ward, township, or precinct in which such registry is made shall be known to one or more of the persons acting as such Board of Registry, and the Judge, or person, so acting as on such Board of Registry to whom such voter and his legal qualifications are known shall sign his name on the registry roll, or list, opposite the name of such voter, and the Judge, or person, acting as member of such Board of Registry, so signing his name, opposite the name of such voter shall be deemed and held to have vouched under oath that such person, so registered, is a legal voter within the ward, township, or precinct, in which such registry is made; and such Judge, or person, acting on such Board of Registry, who shall so sign his own name as aforesaid, shall be

subject to the same liability in all respects as a person making affidavit under the provisions of the next following clause of this section.

Secondly—When a legal voter being registered and also a householder in such ward, township, or precinct, and known as such by one or more of such Judges, or person, acting on such Board of Registry, or proven to be such by affidavit of some known householder, registered in such ward, township, or precinct, in similar form to that herein following, shall make affidavit in substance as follows. The blanks therein filled with the proper names, dates, places, and numbers, as the case may require, and such affidavit shall show that the person so offering to vote is, or will be by the day of election next ensuing, in all respects a legal voter in such ward or precinct:

Oath.

I,————————, do solemnly swear in the presence of the ever living God, that I am a resident and householder in ————————ward (precinct), in the County of————, Territory of Colorado, and that I well know ———————— who aims to be registered as a legal voter in said———— ward (precinct), and I know that he has resided in the Territory of Colorado during —— months last past, and has resided in said ward during ———— days last past, and still resides therein, and his place of residence is at No. ———————— street (on —— of section No. —— in said (ward) ———————— (precinct), and I believe him to be of lawful age.

Penalty of unlawful registration.

SEC. 19. Every Judge of Elections, or person, acting as such on any Board of Registry who wilfully sets his name on the registry list opposite the name of any voter registered on such list not knowing him to be a legal voter in the ward, or precinct, where such registry is made, shall be guilty of a high misdemeanor, and, on conviction thereof, shall be fined in a sum not less than one hundred (100) dol-

lars, nor more than three hundred (300) dollars, or imprisoned in the County jail not less than five (5), nor more than twenty (20) days, or may be punished by both such fine and imprisonment.

SEC. 20. Every Judge of Election, or person, acting as such on any Board of Registry, who shall willfully set his name on the registry roll opposite the name of any voter registered on such list, knowing him to be not legally entitled to be registered upon such list, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall be punished by fine of not less than three hundred (300) dollars, nor more than one thousand (1,000) dollars; or be imprisoned not less than thirty (30) days, nor more than ninety (90) days, or may be punished by both such fine and imprisonment.

Penalty for making false affidavit

SEC. 21. If any person shall make an affidavit as provided in section two (2) hereof for the purpose of causing the name of any person to be registered in any ward or precinct in this Territory, and shall in such affidavit state falsely the name of such person to be registered, or the fact of his having resided in such precinct or ward a sufficient length of time to entitle him to be so registered, or the place of his actual habitation or residence, or the fact of his age or of his residence within a sufficient time to entitle him to be registered, the person so making a false affidavit shall be deemed guilty of a willful and corrupt perjury, and on conviction shall be punished accordingly.

Penalty for registering persons not entitled to vote and entering fictitious names.

SEC. 22. Every person who shall procure his own name, or the name of any other person, to be registered on the list of registered voters called the registry list, in any ward or voting precinct in this Territory, in which any election is, or may be, by law authorized to be held, and in which ward or precinct such person shall not be at the time of such registry entitled to be registered in such ward or voting pre-

cinct, and in such case such person would become a legal voter by lapse of time on or before the next ensuing election to be held in such ward or precinct, or if any person shall procure or attempt to procure to be registered in any ward or voting precinct, any fictitious name, as the name of any person entitled to be registered in such ward or precinct, every person so procuring or attempting to procure such registry of the name of any person not by law entitled to be registered, or any fictitious name in manner aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two hundred (200) dollars, nor more than five hundred (500) dollars, or be imprisoned not less than ten (10) nor more than forty (40) days for each and every offense, or may be punished by both such fine and imprisonment.

When registry shall be completed

SEC. 23. The registry of voters' names shall be completed on the Tuesday evening next preceding each and every election appointed by law to be held in each and every precinct, and no names shall be added to the registry list in any ward or precinct after the close of the registration on the Tuesday preceding such election; and in case any Judge of Elections, or person acting as member of any Board of Registry, shall willfully and knowingly add any name, or names of any person, or any fictitious or false name to the list of registered voters in any ward or voting precinct, after the close of the registry of voters' names on the Tuesday next preceding any election in such ward or voting precinct, according to law, except as herein may be provided, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than ten (10) dollars, nor more than fifty (50) dollars for each and every offense.

SEC. 24. In no precinct in which less than one hundred and fifty votes shall have been cast at the

last preceding general election shall the Judges of Election be compelled to make the registry herein provided for.

ARTICLE II.

Section 1 of Revised Statutes repealed.

SECTION 1. That section one (1) of chapter twenty-eight, (28) of the Revised Statutes entitled "Elections," be and the same is hereby repealed.

Substitute for Section 1 of Revised Statutes

This section shall stand and be in lieu of said section one (1) of chapter twenty-eight (28) of the Revised Statutes—that is to say—every male citizen, twenty-one (21) years of age, possessing the following qualifications, shall be entitled to vote at all elections:

Qualifications of electors

First—He shall have been a citizen of the United States, or have declared his intention to become such at least one month prior to the day of the election at which he offers to vote.

Second—He shall have resided in the Territory of Colorado six months immediately preceding the election, or, if previously a qualified elector and shall have removed, having lost his qualifications as a voter by removal only, and then returned, only three months' residence shall be required.

Third—He shall have resided in the county where he offers to vote at least two months, and in the election precinct or ward at least ten (10) days prior to the day of election.

Secrecy of ballot

SEC. 2. All elections by citizens shall be by ballot. The election officers shall be sworn, or affirmed, not to make any attempt to discover or disclose how any elector shall have voted, unless required to do so as a witness in a judicial proceeding.

Prohibition of bribery or reward

SEC. 3. Any person who shall give, or promise, or offer to give any elector any money, reward, or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other per-

son, or party, for such elector's vote or for the withholding thereof; and any elector who shall receive, or agree to receive for himself, or for another, any money, reward, or other valuable consideration, for his vote at an election, or for withholding the same, shall thereby, in addition to other punishment herein provided in such cases, forfeit the right to vote at such election; and any elector whose right to vote shall be challenged for such cause before the election officers shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received, and if in such oath or affirmation he shall falsely state any material fact touching his qualification as an elector, or touching the matter of such challenge, he shall be deemed guilty of perjury, and, on conviction thereof, shall be punished accordingly.

Penalty for bribing and fraud

SEC. 4. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or willful violation of any election law, shall on conviction thereof be forever disqualified from holding office of trust or profit in this Territory. And any person convicted of willful violation of the election law shall in addition to any penalties provided for by law, be deprived of the right of suffrage absolutely for a period of two years.

Contested elections.

SEC. 5. In trials of contested elections and in proceedings for the investigation of the elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy, but such testimony shall not afterward be used against him in any judicial proceeding, except for perjury in giving such testimony.

Protection of ballots.

SEC. 6. All ballots cast at any election in any ward or voting precinct, shall be carefully endorsed [enclosed] by the judges of election of such ward or voting precinct, in the ballot box, and the same

locked and returned within ten (10) days after such election to the County Clerk of the proper county.

Custody of ballot-boxes.

The proper ballots, when not required to be taken from the ballot box for the purpose of election contests, shall remain in the ballot box in the custody of the County Clerk until the ballot box is required for use in another election, when they shall be taken out by said Clerk and in case the legal time for commencing any proceedings in the way of contest of the election in which such ballots were cast shall have elapsed, and such Clerk shall not be notified, or have knowledge of any such proceedings being commenced, the said ballots shall be destroyed by said Clerk, by fire, without opening or examining the same, but in case the legal time for the commencement of any proceedings by way of contest of such election shall not have elapsed, or in case any such proceedings shall have been commenced, and said Clerk shall have been notified, or have knowledge thereof, he shall preserve all such ballots when taken from the ballot box safely secured, to be used, if required, in such proceedings of contest, by the court or other tribunal before whom the case is pending.

Penalty for paying persons to attend elections.

SEC. 7. If any person, whether he be a candidate at any election or not, shall pay or give any money or other valuable thing whatever, to any voter, with intent thereby to induce such voter to attend any election and vote, or to procure the attendance of any other person at any election, or to induce such voter to vote in favor of or against any particular person or persons for any office, or for or against any ticket, or list, or selection of candidates, put in nomination for any office or offices under the laws of the Territory, or to vote for or against any proposition for issuing bonds by this Territory, or by any county, city, town, township, ward, or school-district therein, under any law of this Territory, or for

or against the removal of any county seat or change in any county lines, or for or against any proposition whatever, submitted by any law of this Territory to vote of the legal voters of this Territory, or any county, city, township, ward or school district therein, or if any person shall pay, give, advance, or place in charge of any person, any money or other valuable thing to be given, paid, advanced, lent or transferred in any way, to or for the use of any vote, known or unknown, for the purpose of inducing any such voter to attend at any election and vote, or to vote for or against any particular person or persons or any ticket or list of persons nominated for any office under the laws of this Territory, or for or against any proposition submitted as aforesaid; or if any person shall promise to pay or give to any person, or for the use of any person, known or unknown, any money or other valuable thing, or shall promise to serve or aid in procuring for any person whether a legal voter or not, any office, place or appointment, under the laws of this Territory, or otherwise, or shall give, send or deliver to any person, any liquors commonly known as brandy, whisky, wine, gin, rum, ale, beer, porter, cider, or other alcoholic or fermented liquors of any kind or description, to be used to induce any persons, known or unknown, to attend any election, or vote thereat, or procure others to attend and vote thereat, or to vote for or against any person or persons for any office under the laws of this Territory, or for or against any proposition submitted as aforesaid, or shall contribute to pay any money or other valuable thing for any of the purposes in this section aforesaid, or being an officer under the laws of this Territory shall agree, promise or offer to, or in fact waive or throw off any legal fees for services as such officer, in favor of any person or persons in any case or matter, with intent, or for the purpose of inducing any such per-

Use of intoxicating drinks prohibited.

son or persons to attend any election and vote thereat, or vote for or against any person or persons, or ticket or list of persons for any office or offices under the laws of this Territory, or for or against any proposition submitted as aforesaid; every person so offending shall be deemed guilty of a high misdemeanor, and, on conviction, shall be punished by a fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars, or shall be imprisoned not less than five (5) days nor more than thirty (30) days.

Employment of persons and vehicles to aid in carrying elections prohibited

SEC. 8. If any person shall employ for hire, or pay for, or promise to pay for the services of any one employed for hire, or for promise of any fee or reward in and about aiding in the election of any person to any office under the laws of this Territory, or in the defeat or carrying of any proposition submitted as aforesaid, or shall contribute any money or valuable thing, or pay or promise to pay or contribute any money or valuable thing, or promise to aid in procuring any office, place or appointment, under the laws of this Territory, to or for the use and benefit of any person, for or in consideration of any such services as in this section above mentioned, or shall pay or contribute towards payment for the hire of any wagons, carriages, or vehicles of any sort, or of any horse, horses or teams of any sort, to be used in any way to induce or influence any person to attend and vote at any election, or to vote for or against any person or persons, or any ticket, or list of persons, for any office or offices under the laws of this Territory, or for or against any proposition submitted as aforesaid; every person so offering shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be punished by a fine of not less than one hundred (100) dollars, nor more three hundred (300) dollars, or be imprisoned not less than five (5) days nor more than thirty (30) days, or may be punished by both such fine and imprisonment.

SEC. 9. If any person shall pay, give, contribute, lend or advance, or promise to pay, give, contribute, lend, furnish, or advance, to any proprietor, publisher, editor, reporter, correspondent, or printer of any newspaper, or other periodical publication, any money or other valuable thing, as fee, reward, or compensation, for using such newspaper or other periodical publication to advocate or oppose the election of any candidate, or other person, to any office under the laws of this Territory, or to advocate or oppose any proposition submitted as aforesaid, by and under any law of this Territory, to the vote of the people thereof, or of any county, city, township, or school district or ward, in this Territory, save and except the price of advertisements published as such, or for publishing communications published as such, at usual and reasonable rates of charges for such like advertisements and communications, or shall subscribe, promise, or agree to pay, give, lend, or advance, directly or indirectly, or in fact, pay, give, lend, advance, directly or indirectly, to, or for the use of any such proposition [proprietor], editor publisher, printer, or correspondent of any such newspaper or periodical publication, any money, or other valuable thing, or consideration whatever, save and except as above herein excepted; the person or persons so offending shall be guilty of a misdemeanor, and upon conviction thereof, shall be severally punished by fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars, or imprisoned not less than five (5) days nor more than thirty (30) days for each and every offense, or by both such fine and imprisonment as the jury may determine.

Regulations and restrictions of newspapers

SEC. 10. If any proprietor, publisher, editor, printer, correspondent of any newspaper or other periodical publication, printed or published in this Territory, shall accept, received [receive], promise or

Further restriction of newspapers

agree with any person to receive, or accept to himself, or for his use, any payment, gift, loan, advance, or contribution, of any money or other valuable thing as consideration for payment, reward, or compensation for using such newspaper, or other periodical publication, printed and published in this Territory, to advocate or oppose the election of any person or persons, ticket, or list of persons to any office under the laws of this Territory, or to advocate or oppose any proposition herein above mentioned, submitted under the laws of this Territory to the vote of the people thereof, or of any county, city, township, ward, or school district thereof, save for the reasonable and usual price and reward of publishing advertisements, published as such, or contributions published as such, every person so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not less than one hundred (100) dollars, or more than five hundred (500) dollars, or be imprisoned not less than ten (10) days, nor more than thirty (30) days, or by both such fine and imprisonment, as the jury rendering the verdict of conviction may determine—the said jury to fix the amount of such fine and the duration of such imprisonment, for each and every offense.

Penalty for inducing voters to vote against any candidate or proposition.

SEC. 11. If any person, being a legal voter or not, shall accept, or receive from any person whomsoever, any money or other valuable thing, or shall consent to, or accept the promise of any person, express or implied, to pay, give, lend, advance, or transfer to himself or any other person, directly or indirectly, any money, or other valuable thing, or accept, or consent to, the promise of any person to procure, or aid in procuring, for himself, or any other person, any office, or appointment, place, or position, under the laws of this Territory, or of the United States, for and in consideration, express or implied, of such person so accepting, receiving, or consenting as afore-

said, attending any election held, or to be held, under the laws of this Territory, and voting thereat, or in consideration, express or implied, of voting at any such election for or against any particular person for any office under the laws of this Territory; or for or against any ticket, or list of persons, or any selection of candidates, for any office or offices under the laws of this Territory, or for or against any proposition submitted under any law or laws of this Territory to the vote of the legal voters thereof, or of any county, city, township, ward, precinct, or school district thereof, or in consideration, express or implied, of the person so accepting, receiving or consenting as aforesaid, attending any election held under the laws of this Territory, and there inducing, or attempting to induce, any voter to vote for or against any particular person for any office under the laws of this Territory, or for or against any ticket, or list of persons, or candidates for any office or offices under the laws of this Territory, or for or against any proposition submitted as aforesaid to the legal voters as aforesaid; or if any person shall accept any money, or other valuable thing or things, from any person or persons, with intent to use the same in violation of the provisions of the last preceding section herein, or of any provision of this chapter, every person so accepting, receiving, or consenting as aforesaid herein, for the purpose herein aforesaid mentioned, or any of them, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by fine of not less than fifty (50) dollars, nor more than one thousand (1,000) dollars, and be imprisoned not less than thirty (30) days nor more than ninety (90) days for each and every offense.

Concerning funds and pools to aid in carrying elections.

SEC. 12. If any person or persons shall pay, or promise to pay money, or give, pay, furnish, or advance any money or other valuable thing, as a con-

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tribution to any fund, purse, or pool, to be used in any manner in violation of any provision of this act, or to be used secretly for the purpose of procuring votes, by paying any consideration to any person or number of persons, for any office under the laws of this Territory, or for or against any proposition, submitted as aforesaid under any law in this Territory, or for paying any person for services in so procuring any person to vote as last aforesaid, or if any person shall contribute any money or other valuable thing, or promise or agree so to do, toward any fund, purse or pool, which he or they at the time of so paying or contributing, or promising so to do, shall have reason to believe is intended to be, or will probably be used in violation of any provision of this act, he or they so offending shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by fine of not less than the amount so by him paid or contributed, and in addition thereto the sum of not less than one hundred (100) dollars, nor more than five hundred (500) dollars, or be imprisoned not less than ten (10) days nor more than thirty (30) days, or by both fine and imprisonment, as the jury may determine; the jury to fix the amount of such fine and the duration of such imprisonment, or both as the case may be, for each and every offense.

Penalty for purchasing influence for retention in office

SEC. 13. If any person or persons shall pay, give, lend or advance, or promise expressly or by implication, to pay, give, lend or advance any sum of money or other valuable thing, or promise, expressly or by implication, to procure or aid in procuring or attempting to procure for any person or persons any office, appointment, place or position, under the laws of this Territory, or aid in any way any person to retain and hold any office, appointment, place or position under the laws of this Territory, for or in consideration of any aid or assistance, support or influence in his own behalf, or in behalf of any other per-

son, in obtaining any office, place or position under the laws of the United States, or for or in consideration of procuring any third person to aid or assist himself or themselves or any other person or persons in procuring or retaining any such office, appointment, place or position as aforesaid, such person so offending, and any person or persons consenting, promising or colluding with him or them to take, receive, have or enjoy any such aid, assistance, support or influence as aforesaid, or such office, appointment, place or position so procured or attempted to be procured, or for the procurement or attempted procurement of which such aid, assistance, support or influence, shall be or shall have been promised as aforesaid, shall be deemed guilty of conspiracy to corrupt the government of this Territory, and the same shall be held a high misdemeanor, and upon conviction thereof shall be punished by fine of not less than one hundred (100) dollars, nor more than five hundred (500) dollars, or be imprisoned in the county jail not less than thirty (30) days nor more than ninety (90) days, as the jury rendering the verdict of conviction may determine, and the said jury shall fix the amount of fine, or the duration of the imprisonment, or both as the case may be.

Application of foregoing sections to members of the Legislature.

SEC. 14. In case any person offending, as in the last preceding section of this act mentioned, shall be at the time of so offending a member of either House of the Legislature of this Territory, or shall hold any office under the laws of this Territory, he shall be punished by fine and imprisonment as provided in said section, and shall also thenceforth be disqualified to exercise the right of voting at any election under the laws of the Territory, and from taking, holding, or retaining any office of honor or profit under the laws of this Territory.

Punishment of unlawful voting

SEC. 15. If any person shall vote or attempt to vote at any election under the laws of this Territory, he

not being then and there a legal voter in the ward or voting precinct in which he shall so attempt to vote, and he then and there knowing that he is not entitled to vote at such election, he shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be fined in a sum not less than one hundred (100) dollars nor more than five hundred (500) dollars, and imprisonment not less than ten (10) days nor more than thirty days.

Application of this act to railroad companies

SEC. 16. If any president, vice president, director, superintendent, conductor, agent, attorney, or other officer or employe of any railway company, the line of whose road shall run through any portion of this Territory, shall knowingly aid or assist in any manner, directly or indirectly, in conveying any person or persons in the cars of such company, or in any manner on the track of such company, within this Territory, to any place in this Territory, for the purpose of enabling such person or persons to vote illegally at any election to be held under any law of this Territory, or to enable any such person or persons to acquire a fraudulent or simulated residence in any county, city, ward, or voting precinct, for the purpose of voting at any such election, or for the purpose of procuring the names of such persons, or any of them, to be wrongfully registerd in any ward, city or voting precinct; or if any such officer, agent, or employe, above herein mentioned, shall in any way, directly or indirectly, aid, assist, or consent to any act for the purpose of inducing or assisting any person to go in any manner to any place in this Territory for the purpose of illegally voting at any election under any law of this Territory, or for the purpose of having his or their names illegally registered in any city, ward or voting precinct in this Territory; or for the purpose of acquiring a fraudulent or simulated residence in any such city, ward or voting precinct, with intent to be wrong-

fully registered, or to illegally vote therein, any such person so offending shall be guilty of a high misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred (200) dollars nor more than one thousand (1,000) dollars, and to be imprisoned not less than thirty (30) days nor more than one hundred (100) days for each person he shall have so aided or assisted to go to any place as aforesaid, for the wrongful purposes aforesaid.

Shall not permit cars or trains to be used in illegal aid of elections

SEC. 17. If any railroad company shall, with the knowledge of any officer or officers thereof having charge, control or management of any of its trains or cars, or having charge of any portion of its work, or control, superintendence, or oversight of any of its employes, shall permit its cars, or any car under its control, to be used in carrying any person or persons from any place within or without this Territory to any place within this Territory, or into or near any city, ward or voting precinct, for the purpose and with the intent on the part of such officer or officers to enable such person or persons so conveyed to vote illegally, at any election in this Territory, or for the purpose of such person or persons so conveyed procuring his or their names to be registered illegally in any city, ward or voting precinct in this Territory, or for the purpose of appearing to have gained a residence, or gaining any fraudulent or simulated residence in any such city, ward or voting precinct, with intent to vote therein illegally; every such railroad company so offending shall be liable to pay, and shall forfeit and pay to the Territory of Colorado, for the use of any county through which the track of such road may pass, the sum of three thousand (3,000) dollars, for each several offense, to be recovered by action of debt in the name of the Territory of Colorado, for the use of any county which may be entitled thereto. Such suit may be

brought by order of the Board of County Commissioners, by any attorney such Board may appoint, or may be brought by any person or persons, who shall first give bond for costs. Appeals and suits of error shall be allowed in all such cases, as in other actions of debt.

The provisions of this section shall apply in all respects to any stage coach, omnibus or transfer company, or any other incorporated or joint stock company which may violate the said provisions, so far as the same may be applicable.

How it affects other corporations

SEC. 18. In case any railroad company, stage company, transfer company or omnibus company, or any other incorporate or joint stock company shall be guilty of violating any of the provisions of section sixteen (16) and seventeen (17) of Article two (2) hereof, the prosecuting attorney of the proper district shall, upon the relation of any person or persons, when he shall be satisfied that there is probable ground for such proceeding, file an information in the District Court of the proper county, setting forth the facts complained of, and upon summons issued against the defendant and return of service of the same, according to law, and issue joined and verdict of guilty thereon, or on default of defendant, the court shall render judgment, to the use of the proper county and award execution thereon.

Violators disqualified.

SEC. 19. Every person convicted of any offense under this chapter, save as provided in section fourteen (14) of Article II hereof, shall be henceforth disqualified from taking, holding or continuing to hold any office, elective or appointment, under the laws of this Territory, for and during the space of three (3) years from and after such conviction.

Duties of peace officers

SEC. 20. It shall be the duty of every Sheriff, Deputy Sheriff, Coroner, Constable, Marshal and Policeman within this Territory, who shall discover any person engaged in any violation of the provis-

ions of this Act, forthwith to take him or them so offending before some Judge or Justice of the Peace of the proper county, to be dealt with according to law, when the same proceeding shall be had as in other criminal cases.

Duties of judges and magistrates

SEC. 21. Every Judge, Justice of the Peace and Police Magistrate having personal knowledge of any violation of the provisions of this Act by any person, shall forthwith issue a warrant for the arrest of the offender or offenders.

Violations of this act to be subjects of investigation by Grand Jury.

SEC. 22. It shall be the duty of every County Commissioner, Judge, Justice of the Peace, Police Magistrate, County Clerk or deputy County Clerk, County Treasurer, or assistant of any County Clerk or County Treasurer, Assessor, County Surveyor, Superintendent of Public Instruction, Clerk or deputy Clerk of any court, Mayor or Councilman of any city, Sheriff, deputy Sheriff, Coroner, Constable, Marshal and Policeman in this Territory, and of every grand or petit juror, from the day of his being summoned to act as such until the first day of the second term of the District Court next ensuing in the county in which he may reside, having knowledge personally, or by credible information, of any violation of the provisions of this Act, by any person or persons, to make out and transmit without delay, to the District Attorney of the proper district, a statement in writing, certified to be true according to the best of his knowledge and belief, and signed by him in his official character, as such officer or person, setting forth the names of the parties offending and the offense committed, and the date thereof; and all such statements received by any District Attorney shall be by him laid before the Grand Jury of the proper county, at the first session thereof after the reception of the same.

SEC. 23. The District Judge shall, at the assembling of every Grand Jury, give this Chapter in

charge to them, and they shall present indictments or presentments in all cases in which they find sufficient evidence.

It shall be the duty of every Grand Juror having knowledge personally, or by credible information of any violation of this Act, to bring the same before the Grand Jury of which he may be a member.

Penalty on failure to report offenses

SEC. 24. If any officer or juror above named shall have knowledge of any violation of the provisions of this Act, and shall fail or neglect to report the same as herein required, he shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine of not less than ten (10) nor more than one hundred (100) dollars, and be imprisoned not less than ten (10) days, nor more than thirty (30) days.

SEC. 25. If any person not being an officer shall have knowledge of the violation of any provision of this Act by any person or persons, he shall forthwith make and file his affidavit before some Judge, Justice of the Peace or Police Magistrate of the proper county, stating therein the facts, and the officer before whom the said affidavit shall be made, shall forthwith issue his warrant for the arrest of the person charged. Every person failing to make such affidavit when having knowledge of any offense having been committed under this Act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten (10) dollars, nor more than fifty (50) dollars.

Proceedings on arrest.

SEC. 26. In all cases of arrest under the provisions of this chapter, the Judge, Justice of the Peace or Police Magistrate, before whom the accused shall be brought, shall summon all witnesses on behalf of the prosecution and defense, and, upon a hearing, shall discharge, commit, or admit the prisoner to bail as in cases of felony.

SEC. 27. Every person elected, or appointed, to any office under the laws of this Territory shall, before

he enters upon the duties of the office to which he may have been elected, or appointed, take and subscribe the following oath, the same to be administered by any officer qualified by law to administer oaths:

Oath to be taken by all persons elected or appointed to office.

I,————, do solemnly swear in the presence of the ever living God that I have not since the first day of February, 1874, paid, lent, given, or advanced to any person, directly or indirectly, any sum of money, or other valuable thing whatever, to any person, or for the use of any person; or promised, agreed or consented to do, or perform, any act of service, or favor, for the benefit of any person, or to procure any act of favor, or benefit, to be done by any person for the use, or benefit of any person; or promised, or consented to aid, or assist, in procuring for any person, any office, position, place of trust, under the laws of this Territory, or of the United States, in consideration of, or for the purpose of procuring aid or influence in my favor in being elected to this office, or with the intent, expectation, probability, or hope of so doing, and that I have not consented to the same being done by others, and further that I do not know of any acts done by any person in violation of any Statute of this Territory concerning elections, or of any amendment thereto, now in force, which I have not fully stated by affidavit before ———— officer authorized by law to take and file such affidavit; and further, that I will support the Constitution of the United States and the Organic Law of this Territory, and the Laws of this Territory, made in pursuance thereof, and that I will discharge the duties of the office of ————faithfully to the best of my skill and ability, so help me God.

Approved February 13th, 1874.

AN ACT

Concerning Tie Votes in Election.

Be it enacted by the Council and House of Representatives of Colorado Territory, That when it shall appear to the Board of Canvassers of any County, as provided for in section thirty-two (32) of chapter twenty-eight (28) concerning Elections, that two or more persons voted for have received an equal number of votes, so that the election to the office is not decided by such votes, the canvassers of such votes shall return to the Board of County Commissioners an exhibit of such votes, and the Board of County Commissioners shall thereupon, within twenty (20) days, decide such election, by electing of such persons to such office for which such persons have been candidates.

SEC 2. In case there shall be present at the meetings of such Board of County Commissioners only two Commissioners, and such Commissioners cannot agree as to which of the persons so voted for shall be elected, then the election shall be by lot, as the Board may designate; and the proceedings of such Board shall be conducted at the usual place of doing the business of the county by such Board, and in a public room, and all such proceedings shall be made a matter of record by the Board.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To Encourage Agriculture in Weld County.

ARTICLE I.

Be it enacted by the Council and House of Representatives of Colorado Territory, That when one-thir

of the resident land-owners shall petition the Commissioners of their county for a special election, for the purpose of forming a Fence District, the Commissioners shall, within ten days after the reception of the petition, order such election, to take place within twenty days after the date of said order, and shall notify the petitioners thereof, who shall notify the citizens of the proposed District as directed by the County Commissioners; *Provided*, That not more than twenty names shall be required on any such petition. Special elections

SEC. 2. The petition provided for in section one, shall state the object of the special election, the place at which it is proposed to be held, and shall describe the boundaries of the District to be voted for.

SEC. 3. All male citizens over twenty-one years of age who own lands liable to taxation under the provisions of this Act, shall be deemed qualified electors at any election authorized by this Act.

SEC. 4. The qualified electors of the proposed Fence District, when assembled in accordance with the notice required in the foregoing section, shall organize by appointing a President and Secretary and such clerks as may be necessary, who shall act as judges of the election, and the name of each elector shall be recorded by the Secretary or clerk. They shall then vote with ballots whereon is placed the words "For Fence District," or "Against Fence District." If three-fourths of the ballots cast shall be "For Fence District," the electors shall then proceed to elect by ballot, three persons to serve as Fence Commissioners until the next succeeding annual meeting of the Fence District. Organization of polls

SEC. 5. Said Fence Commissioners shall, within ten days after their election, appear before some officer, qualified by law to administer oaths, and take an oath for the faithful performance of their duties,

and in case they fail to do so, they shall each forfeit the sum of twenty-five dollars for the use of the Fence District.

SEC. 6. Each Fence District formed under the provisions of this Act, is hereby declared to be a body corporate by the name and style of Fence District No. in the County of Weld, and Territory of Colorado, and in that name it may hold property and be a party to suits and contracts.

SEC. 7. The annual meeting of each Fence District shall be held on the first Wednesday in December of each year.

Powers of electors.

SEC. 8. The qualified electors of the District when assembled shall have power: *First*, To appoint a Chairman and a Secretary, in the absence of the regular officers. *Second*, To adjourn from time to time as may be necessary. *Third*, To change the boundary of the District. *Fourth*. To lay such tax on the taxable lands within the District as the meeting shall deem sufficient for any of the following purposes: To purchase, lease or construct an enclosing fence and such other property as they may deem necessary; to maintain the property of the District in good repair: to pay the salaries of the employes, and to defray all other contingent expenses of the District. *Fifth*, To provide rules under which the official conduct of any servants of the District may be investigated. *Sixth*, To direct the sale or other disposal of any of the property of the District, and direct the disposal of the proceeds of such sale. *Seventh*, To delegate any or all the powers contained in the foregoing specifications to the District Board. *Eight*, To fix the salaries of the Secretary, Treasurer and other servants of the District, and to transact generally such business as may tend to the better carrying out of the provisions of this Act.

SEC. 9. They may adopt rules of order for the government of District meetings, and change the

same from time to time, and may prescribe the manner of taking the sense of the meeting upon any question excepting those provided for in section four.

Fence Commissioners.

SEC. 10. There shall be elected in each Fence District, at the annual meeting next following its organization, three Fence Commissioners, who shall hold office as follows: The person receiving the highest number of ballots, shall hold office for three years and until his successor is elected and qualified; the person receiving the next highest number shall hold office for two years and until his successor is elected and qualified; the person receiving the next number in order shall hold office for one year and until his successor is elected and qualified.

SEC. 11. At each subsequent annual meeting, there shall be elected one Fence Commissioner who shall hold office for three years and until his successor is elected and qualified. If, for any cause, the annual election is not held at the proper time, a special meeting for that purpose may be held.

SEC. 12. Said Commissioners shall qualify in the manner prescribed in section fifth, and in case of neglect or refusal so to do, they shall be subject to the same penalty.

Organization and qualification.

SEC. 13. The Board of Fence Commissioners shall organize within ten days after their election, and after each annual election, by choosing from their number a President, a Secretary and a Treasurer, and shall require the Secretary and the Treasurer to give bonds to the District in such penalties and with such securities as, in their opinion, will secure the District against any loss, conditioned for the faithful application of all moneys which may come into their hands by virtue of their respective offices, and for the faithful discharge of all official duties. The bond shall be filed with the President of the Board, and in case of a breach of the conditions thereof, he shall bring suit thereon in the name of the District.

Meetings.

SEC. 14. The Board of Fence Commissioners may hold such regular, special or adjourned meetings as they may determine. They shall make all contracts, purchases, payments and sales necessary to carry out every vote of the District, and perform such other duties as may be delegated to them by the District. In each organized District, they shall act as judges of election at all District elections.

SEC. 15. They shall from time to time, examine the books of the Secretary and Treasurer and make settlement with them, and shall at each annual meeting of the District, present to the same, a full statement of the receipts and expenditures of the District, and such other matters as may be deemed important.

SEC. 16. They shall audit and allow all just claims against the District, and the President shall draw an order on the District Treasurer, for all demands thus audited.

SEC. 17. They may employ such Fence Superintendents and assistants as they may deem necessary for the proper carrying out of the wishes of the District. Should a vacancy occur in the Board, they may fill the same until the next annual election.

Special meetings.

SEC. 18. They shall, upon the written request of five legal voters of the District, or whenever they may deem it expedient, call special meetings thereof, but in all such cases the notice shall clearly state the precise object for which it is called, and the time and place at which it is to be held.

ARTICLE II.

Duties of officers defined.

SEC. 1. The President, when present, shall preside at all meetings of the Board and of the District, and shall sign all orders on the Treasurer for the payment of money.

SEC. 2. All drafts and orders drawn on the District Treasurer, shall specify the use for which the money is designed, and shall be countersigned by the District Secretary.

SEC. 3. The President shall appear in behalf of his District, in all suits brought by or against the same; but when unable to do this by reason of absence or sickness, or when he is individually a party, this duty shall be performed by the Secretary.

SEC. 4. The Secretary shall record all proceedings of the Board and of the District meetings, in separate books kept for that purpese; shall file all papers coming into his possession pertaining to the business of the District, and shall countersign all drafts, warrants and orders drawn by the President.

SEC. 5. He shall keep an accurate account of all the expenses incurred by the District, and present the same to the District Board, to be audited and paid as herein provided.

SEC. 6. He shall give ten days' previous notice of all meetings of the District, in such manner as the Board may direct.

SEC. 7. He shall assess all taxes voted by the District in the manner hereinafter provided.

SEC. 8. The Treasurer shall have the custody of all moneys belonging to the District, and shall pay out the same upon the order of the President, countersigned by the Secretary, and shall keep an accurate account of all the receipts and expenditures thereof, in a book provided for that purpose.

ARTICLE III.

SEC. 1. The Fence Commissioners of each District shall sit as a Board of Equalization on the tax lists of their District for a sufficient length of time to hear all complaints concerning the same; and the last day of their sitting shall be at least five days before the posting of said list.

SEC. 2. On the first day of May in each year the District Secretary shall proceed to list all lots and parcels of property within the District subject to taxation under this Act (ascertaining the owner

thereof as far as possible) and levy against all such lots and property such tax as may have been voted by the district; and on or before the first day of August, in each year, he shall post up said list, with the amount of tax against each lot or parcel, in three public places in the District.

Listing property.

SEC. 3. He shall, on the first day of November in each year, give to the County Collector a list of all lots and property on which the tax is unpaid, with the amount of tax against each, and he shall, on the same date, or within five days thereafter, pay to the District Treasurer, all moneys of the District remaining in his hands.

Collection of taxes

SEC. 4. The County Collector shall collect the taxes on the list furnished him by the District Secretary, at such times and places, after date aforesaid, as other taxes are collected, according to existing laws for the collection of the revenue, and all taxes on the District list remaining unpaid on the first day of January, shall be collected in the same manner as delinquent County taxes. He shall add ten per cent. to all taxes of the District list, paid to him before the first day of January, and shall retain said percentage as full compensation for the collection of said taxes.

SEC. 5. The County Collector, on the first day of January, or within five days thereafter, at his office, shall pay to the Treasurer of any Fence District, all moneys remaining in the Collector's hands belonging to said District, and whenever any land is sold for delinquent tax, assessed by the District, the Collector shall pay the clear proceeds of such sale to the District Treasurer, within ten days after the sale.

ARTICLE IV.

SEC. 1. No stock shall be allowed to run at large within a Fence District after the same shall have been enclosed in a lawful fence.

Damages by stock running at large.

SEC. 2. Whenever any stock is found running at large within a Fence District, if it appear that the said stock came in of its own accord, and if no material damage has been done by it within the District, it shall be driven without the District, and the Fence Superintendent or employes shall take all reasonable precaution against its return; but if it appear that material damage has been done, or that the stock has escaped, either from an enclosure, from picket, or from a herder, within the District, then it shall be given in charge of some employe of the Board of Fence Commissioners, who shall detain the stock in such manner as the Board may provide, and who shall summon, without unnecessary delay, three disinterested persons, who shall assess the damage done by said stock, and the damage thus assessed, together with the District charges for detention, shall be a lien upon said stock; *Provided*, That the District charges for detaining stock shall not exceed the sum of one dollar per head for the first day and fifty cents per head for all subsequent days.

Suits for damages.

SEC. 3. If no owner or agent appear within ten days to claim the stock detained under the previous section and discharge the lien thereon, then the President or Secretary of the Board shall immediately commence suit against the owner of said stock before the nearest Justice of the Peace, in an amount sufficient to cover all charges and damages, and the Justice shall issue summons to all parties interested to appear within twenty-five days after the date of the summons, and show cause, if any, why said stock shall not be sold to pay the amount of suit and costs; said summons shall contain a full description of the stock, by mark, brands, age and general appearance, and shall be published in three consecutive issues of some weekly newspaper published nearest the office of the Justice issuing the summons.

Release of stock upon payment of damages.

SEC. 4. If, at any time before the day set for trial, an owner or agent appear and pay all damages,

charges, and costs, the stock shall be given into his custody; otherwise, the trial shall proceed, and if the facts claimed in the complaint be proven, the Justice shall order the sale of the stock at public auction at some place within the District, (due notice whereof having been given) within five days after the date of the order, and the clear proceeds of such sale, after all charges, damages and costs have been paid, shall go to the District treasury for the use and benefit of the District; *Provided*, That if an owner appear within six months after the date of the sale, and establish his claim to the stock, before the Justice ordering the sale, he shall receive from the Treasurer the clear proceeds of said sale, on the certificate of the Justice, setting forth the facts as above; *Provided*, also, that if the probable value of the stock exceed twenty (20) dollars, the trial shall be by jury unless waived by the defendant.

SEC. Any person who shall willfully and maliciously drive any stock into a Fence District, or willfully and maliciously turn loose any stock within the same, shall be liable to double the amount of damages done by said stock, to be recovered as a debt of the District.

SEC. 6. Any person who shall leave open any gate belonging to a Fence District shall be deemed guilty of a misdemeanor and shall forfeit and pay a fine of not less than one dollar nor more than ten dollars for the first offense, and double these amounts for all subsequent offenses, in the discretion of the Court, one-half the fine to go to the informer and one-half to the County Treasurer, for the benefit of the school fund; *Provided*, That this section is kept plainly posted near said gate.

Penalty for destruction of property.

SEC. 7. Any person who shall willfully and maliciously injure or destroy any property belonging to a Fence District, shall be guilty of a misdemeanor, and shall be subject to a fine and imprisonment as

provided by Section One Hundred and Seventy-six (176) of Chapter Twenty-two (22) of the Revised Statutes of Colorado, and shall also be held in double the amount of damage which may occur on account of such willful and malicious injury or destruction, to be recovered as a debt of the District.

ARTICLE V.

SEC. 1. No damages or fines shall be recovered under the provisions of this act until such time as the County Commissioners of the county in which the District is located shall have declared the enclosing fence a lawful fence, nor at any time thereafter when it can be shown that the injury for which damage is claimed was caused in any degree by the failure on the part of the District or any of its agents to keep the enclosing fence in good repair; and wherever the fence crosses a ditch, stream of water, railroad or County or Territorial road, the District shall put and maintain such structure, cattle-guard or gate as the County Commissioners shall direct.

SEC. 2. All damages recovered under this Act shall be paid over to the party or parties in whose favor they were assessed, on demand, at any time after the recovery thereof.

SEC. 3. Any officer or person refusing or failing to pay over moneys belonging to a Fence District, as required by law, shall forfeit double the amount, and interest at the rate of three per cent. per month for the time of so withholding the same, to be recovered as a debt of the District.

SEC. 4. The word stock in this act shall be deemed to include cattle, horses, mares, mules, asses, sheep, goats and hogs.

SEC. 5. The following described lands shall not be liable to taxation under the provisions of this act: First, arid lands not irrigable without unreasonable expense; second, land from which no crop can be

What lands are exempt from taxation.

taken by reason of overflow; third, lands which shall be kept enclosed by a fence which the County Commissioners shall declare to be lawful.

Lanes

SEC. 6. The County Commissioners may, in their discretion, require any Fence District in their County to build lanes, not less than four rods in width, and as often as once in five miles, running from the enclosing fence to any stream of water enclosed by said District: *Provided*, That said lanes may be closed when there is sufficient water for stock at the head of them in the discretion of the Commissioners.

SEC. 7. The County Commissioners shall be a board of arbitration and appraisement to fix the damages for right of way for a District fence across private property.

SEC. 8. This act shall apply only to that portion of Weld county situated in the basin of the Cache-a-la-Poudre river and in the basin of the South Platte river below the mouth of the Cache-a-la-Poudre.

SEC. 9. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 10. This act shall be in full force from and after its passage.

Approved February 9th, 1874.

AN ACT

Concerning Fences and Enclosures in Conejos County and in other Counties under certain circumstances.

Lawful fences

Be it enacted by the Council and House of Representatives of Colorado Territory, The following shall be considered a lawful fence in said County of Conejos: Post and plank fences four feet six inches high, made of sound posts five inches in diameter, set substantially in the ground, not more than eight feet apart, with three planks not less than one inch thick and six inches wide, securely fastened by nails or otherwise, said planks not more than twelve inches apart.

All other fences made of wire or poles, or any other material which upon reliable evidence shall be declared as strong and as well calculated to protect enclosures as the one described in the preceding section of this act, shall be considered lawful fences.

Trespass

SEC. 2. Any person making or maintaining in good repair around his enclosure in said County any fence such as is described in section one of this Act, may recover in a suit for trespass, before the nearest court having competent jurisdiction, from the owner of any animal, or animals, which shall break through any such fence, in full for all damage sustained on account of such trespass, together with cost of suit, and the animal or animals so trespassing may be taken and held as security for the payment of such damages and costs; and no person or persons shall be allowed to recover damages for any injury to any crop, or grass, or garden product, or other vegetable product, unless the same at the time of such trespass or injury was enclosed by a legal and sufficient fence as before provided.

SEC. 3. Partition fences shall be erected and kept in repair at the cost of the owners of the respective adjoining lands, provided said land is enclosed by one fence.

SEC. 4. If, after due notice has been given by either party, and a reasonable length of time has elapsed, the other party neglect, or refuse to erect or cause to be erected, the one-half of such fence, the party giving notice may proceed to erect or cause to be erected the entire partition fence, and collect by law one-half of the entire cost thereof from the other party.

SEC. 5. The respective owners of adjoining enclosures shall keep up, and maintain in good repair, all partition fences between such enclosures, in equal shares, so long as they shall continue to occupy or improve the same.

SEC. 6. When any person shall unwittingly or by mistake, erect a fence on the land of another, and when by a line legally determined, that fact shall be ascertained, such person may enter upon such premises and remove such fence at any time within three months after such line has been run as aforesaid; *Provided*, that when the fence to be removed forms any part of a fence enclosing a field of the other party, having a crop thereon, such first person shall not remove such fence until such crop might with reasonable diligence have been gathered and secured, although more than three months may have elapsed since such division line was run.

SEC. 7. When any person shall wish to lay open his enclosure, he shall notify any person owning an adjoining enclosure, and if such person shall not pay to the party giving notice, one-half the value of any partition fence between such enclosure, within three months after receiving such notice, the party giving such notice may proceed to remove one-half of such fence, as provided in section six of this act, if the person giving such notice has erected said fence or paid his proportion of the cost of erecting the same.

How and when this law may be adopted by other counties

SEC. 8. Whenever a petition shall be presented to the County Commissioners of any other County in this Territory, signed by not less than one hundred legal voters in the County, of whom fifty must be farmers, praying that the question of the adoption of this law be submitted to the people, it shall be their duty to direct the sheriff to give notice in every precinct in the County, thirty (30) days before the general election, that the question of the adoption or rejection of this law will be submitted to the people for their acceptance or rejection.

SEC. 9. At such election each voter may vote "For Fence Law," or "Against Fence Law." If a majority of said votes shall be "For Fence Law," then the law shall be adopted, but if a majority of the votes are "Against Fence Law," then this act shall be of no force therein.

SEC. 10. When the Board of Canvassers shall declare the result of such vote, it shall be the duty of the sheriff of such County to give due notice of the adoption or rejection of this law, but said law shall not take effect until ninety (90) days after the Board of County Commissioners shall have declared the same adopted. But in no case shall take effect in any County except said County of Conejos, until after the first day of May, A. D. 1875.

SEC. 11. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after the first day of March, A. D. 1874.

Approved February 12th, 1874.

AN ACT

To Amend an Act entitled "Fences and Enclosures in Gilpin County."

Be it enacted by the Council and House of Representatives of Colorado Territory, That sections one (1) and three (3) of an act entitled "Fences and Enclosures in Gilpin County," be stricken out and the following inserted in lieu thereof: No person in Gilpin County, Colorado Territory, shall recover any damages for injuries done by any stock, except hogs, sheep and goats, to any lands, or crops whatever, in said County, unless the same are enclosed with a good substantial fence.

SEC. 2. Trespass by stock on, or within, any premises enclosed with a lawful fence, is unlawful, and the owner or owners of such stock shall be liable for any and all damages arising thereby, and such stock may be held as security for the payment of full reasonable damages. Trespass

SEC. 3. This act shall be in force from and after May 1, 1874.

Approved February 9th, 1874.

AN ACT

Entitled "An Act Relating to Fees and Salaries in Arapahoe County.

Be it enacted by the Council and House of Representatives of Colorado Territory, The following shall be established, and hereafter shall be allowed as the fees and salaries for officers and persons holding office and doing public duty in the County of Arapahoe.

CLERK'S FEES IN DISTRICT COURT.

District Court fees.

SEC. 2. For filing each paper required to be filed, ten (10) cents.

For every summons or other process, not herein expressly named, and sealing the same, sixty-five (65) cents.

For each subpœna (provided that only one subpœna shall be issued for every four witnesses unless expressly requested) forty (40) cents.

For taking bond for costs, forty (40) cents.

For filing papers on appeal from Justice of the Peace, taking appeal bond and issuing *supersedeas* thereon, one (1) dollar.

For each entering of a suit on docket for trial, ten (10) cents.

For entering each order or rule of court for continuance, or any order, rule or proceeding of court actually entered in the progress of a suit, and counting the whole entry for one, fifty (50) cents.

For each discontinuance, *retraxit* or non-suit, twenty-five (25) cents.

For each dedimus to take deposition, one (1) dollar.

For calling and swearing each jury, twenty-five (25) cents.

For swearing each witness in court, ten (10) cents.

For swearing any person to an affidavit and filing the same, twenty (20) cents.

For entering each final judgment in a case, twenty-five (25) cents.

For entering each decree in chancery, ten (10) cents per folio.

For issuing each writ of *habeas corpus*, *certiorari* or *procedendo*, seventy-five (75) cents.

For issuing each writ of injunction, *quo warranto* or *mandamus*, one (1) dollar and fifty (50) cents.

For issuing each writ of attachment or replevin, one (1) dollar.

For assessing the damages on any bond, note, or other instrument for the payment of money, by order of the court, and making a report thereof and filing said report, fifty (50) cents.

For entering special bail, if secured, in each case twenty-five (25) cents.

For swearing officer to take charge of jury, ten (10) cents.

For issuing an execution, one (1) dollar.

For docketing the same, ten (10) cents.

For entering the sheriff's return on each execution, per folio, fifteen (15) cents.

For entering the satisfaction of judgment, twenty-five (25) cents.

For entering the report of commissioners or referees, or the award of arbitrators, and all other special entries, per folio, fifteen (15) cents.

For each certificate and seal, other than the process of court, fifty (50) cents.

For taking and approving appeal, or any other bond, each one (1) dollar.

For entering the appearance of attorney, fifteen (15) cents.

For each attachment of a witness or other person, fifty (50) cents.

For each *venire facias*, seventy-five (75) cents.

For making bill of costs for each execution, entering the same of record in the fee book, being one charge, fifty (50) cents.

For making a complete record, for each folio, fifteen (15) cents.

For making a copy of any paper in a case, per folio, fifteen (15) cents.

For certifying and sealing the same when required, fifty (50) cents.

For taking deposition, per folio, and certifying the same, fifteen (15) cents.

For taking acknowledgment of deed, power of attorney, or other instrument in writing, and certifying and sealing the same, fifty (50) cents.

For filing and recording declaration of intent to become a citizen of the United States, one dollar and fifty cents [$1.50.]

For final naturalization, including oath, recording copy, certificate and seal, two dollars and fifty cents [$2.50.]

For taking each recognizance in courts and entering the same of record, fifty [50] cents.

For arraigning prisoners at the bar, twenty-five [25] cents.

For entering judgment of conviction, fifty [50] cents.

For copy of indictment, when required, per folio, ten [10] cents.

For copy of lists of grand or petit jurors, when required in a criminal case, fifteen [15] cents.

For filing papers on appeal from Probate Court, one [1] dollar.

For entering attorney on rolls, administering oath, certificate and seal, three [3] dollars.

SHERIFF'S FEES.

SEC. 3. For serving and returning summons on each party, seventy-five [75] cents.

For serving subpœna on each witness, forty [40] cents.

For summoning each juror, forty [40] cents.

For advertising property for sale, besides actual expenses, fifty [50] cents.

For returning each writ or other process, twenty-five [25] cents.

Mileage for each mile actually traveled, fifteen [15] cents.

For levying execution, one [1] dollar.

For serving and returning *scire facias*, seventy-five [75] cents.

For committing or discharging prisoners to or from jail, thirty-five (35) cents.

For dieting prisoners per day, such reasonable compensation as shall be allowed by the Board of County Commissioners, not to exceed fifty [50] cents per diem.

For attending before any Judge with prisoners with writ of *habeas corpus*, one [1] dollar.

For each mile traveled in taking prisoners before any Judge on writ of *habeas corpus*, fifteen [15] cents.

For serving writ of possession with aid *posse comitatus*, five [5] dollars.

For serving same without aid, one dollar and twenty-five cents [$1.25].

For attending District or Probate Court when in session, per day, two dollars and fifty cents [$2.50] per day, to be paid out of the County Treasury.

For executing and acknowledging deed of sale of real estate, two dollars and twenty-five cents [$2.25].

For making certificate of sale, previous to execution of deed, one [1] dollar.

For taking bond in any case, seventy-five [75] cents.

For executing capias or warrant in criminal cases on each person named therein, seventy-five [75] cents.

For making and recording certificate of levy in attachment and other cases, one [1] dollar.

For transporting prisoners, per mile, ten [10] cents, besides actual expenses necessarily incurred.

Commissions on money collected without sale, on all sums under five hundred [500] dollars, one and

one-half (1½) per cent.; on all sums over five hundred (500) dollars and under one thousand (1,000), one (1) per cent., and all sums over one thousand (1,000) dollars, three-fourths [¾] of one [1] per cent.

Commissions on money collected by sale, on all sums under five hundred [500] dollars, three per cent.; on all sums over five hundred [500] dollars and under one thousand [1,000] two and one-half [2½] per cent.; on all sums over one thousand (1,000) dollars, one per cent.

For executing sentence of death, fifty dollars ($50), together with actual expenses incurred in carrying out such sentence of death, to be paid out of the County Treasury.

For pursuing and capturing each person charged with the commission of any crime denominated a felony, beyond the limits of said county, in addition to the mileage now allowed by law, the sum of two [2] dollars per day, to be paid out of the County Treasury.

The constable shall be entitled to the same fees for pursuing and capturing criminals as is now provided for sheriffs in this act, to be paid out of the County Treasury.

FEES OF NOTARIES PUBLIC.

SEC. 4. For noting a bond, a bill of exchange or promissory note for protest, fifty [50] cents.

For each protest and record of the same, fifty (50) cents.

For each notice of protest, fifty (50) cents.

For each certificate and seal, fifty (50) cents.

For each acknowledgment of a deed, or other instrument in writing, fifty (50) cents.

For taking depositions, per folio, fifteen (15) cents.

For swearing any person to an affidavit, with certificate and seal, twenty-five (25) cents.

For all other services, the same fees as Justices of the Peace for like services.

FEES OF MASTERS IN CHANCERY.

SEC. 5. For making sale of real estate, in pursuance of the order or a decree of the court, making certificate of such sale and the deed thereof, the same fees as allowed to sheriffs for making sale of real estate upon execution at law.

For taking testimony in any case upon order of reference, the same fees as allowed Justices of the Peace for taking depositions.

For report on any such case, three (3) dollars.

For hearing each application for a writ of injunction, *ne excat*, or other writ, five (5) dollars.

For attendance to take depositions at request of any party, whether depositions are taken or not, *per diem*, two (2) dollars.

WITNESSES' FEES.

SEC. 6. Witnesses attending in any court of record, or before a commissioner, or referee, per day, two dollars and fifty cents ($2.50).

In Justices' Courts, two dollars and fifty cents ($2.50), and fifteen (15) cents per mile for every mile actually traveled, in going from the residence of the witness to the place of holding court.

JURORS' FEES.

SEC. 7. Jurors' fees in District Courts, per day, two dollars and fifty cents ($2.50).

Before Justices of the Peace, per day, two dollars and fifty cents ($2.50).

Attending inquest over dead body, to be paid out of the County Treasury, two dollars and fifty cents ($2.50).

Mileage, for each mile traveled, fifteen (15) cents.

COUNTY TREASURER'S FEES.

SEC. 8. The County Treasurer shall receive the following compensation: One and one-half (1½) per

cent. upon all moneys received by him for taxes of every kind.

For receiving all moneys other than taxes, one and one-half (1½) per cent.

For every mile traveled in going to and returning to make settlement with the Territorial Treasurer and Auditor, and to make deposits of Territorial revenue, ten (10) cents per mile.

COUNTY CLERK'S FEES.

SEC. 9. The County Clerk shall be and he is hereby authorized to receive the same fees as District Clerks for like services.

For entering each order (of) court, fifteen (15) cents per folio.

For administering each oath, ten (10) cents.

For each certificate and seal, fifty (50) cents.

Each bond and license, one (1) dollar.

Taking proof in estray cases, and granting certificates of same, one (1) dollar.

For advertisement, including copy for a newspaper publication, seventy-five (75) cents.

For trying and sealing weights and measures by county standard, twenty-five (25) cents.

For every certificate of magistracy, under seal, fifty (50) cents.

For every instrument authorized to be recorded, first one hundred (100) words, thirty (30) cents.

For each additional folio, fifteen (15) cents.

For each entry in index, ten (10) cents.

For certificate of record, ten (10) cents.

Taking acknowledgments, fifty (50) cents.

Copies of record, per one hundred (100) words, ten (10) cents.

For making search of records where no certificate is given, twenty-five (25) cents.

For recording town plats, for first one hundred (100) lots, or less, three dollars and fifty cents ($3.50).

For each additional lot, one (1) cent.

For making abstracts, for the first five conveyances or entries, or less, each thirty (30) cents.

For each additional conveyance or entry, fifteen (15) cents.

DISTRICT ATTORNEY'S FEES.

SEC. 10. The fees for District Attorneys shall hereafter be as follows:

In all civil cases a docket fee of five (5) dollars.

For all collections for Territory, when the amount is under five hundred (500) dollars, five (5) per cent., on all sums over five hundred (500) dollars, two and one-half ($2\frac{1}{2}$) per cent.

Fee for every criminal trial or examination before a Justice of the Peace, five (5) dollars; in cases where more than one day is consumed in such trial or examination by change of venue or otherwise, per day, five (5) dollars.

For every conviction for misdemeanor, in District Court, fifteen (15) dollars.

For every conviction for felony, in District Court twenty (20) dollars.

For every conviction in capital cases, fifty (50) dollars, and *per diem*, for each day necessarily employed in attending cause on change of venue, in District Court, five (5) dollars.

For drawing each indictment, five (5) dollars.

For attending on cases in the Supreme Court, arising in Arapahoe County, in each case, twenty-five (25) dollars; and *per diem* for each day necessarily employed in attending upon any cause in said Supreme Court, two dollars and fifty cents ($2.50).

FEES OF JUSTICES OF THE PEACE.

SEC. 11. The fees of the Justices of the Peace in Arapahoe County, in the Territory of Colorado, shall be as follows, to-wit:

For docketing each case, fifteen (15) cents.

For issuing summons for one person, sixty-five (65) cents; for each additional person named therein, twenty (20) cents.

For each order of arrest, forty (40) cents.

For each attachment against property, sixty-five (65) cents.

For attachment against persons for contempt, forty (40) cents.

For each *mittimus*, fifty (50) cents.

For subpœna for one person, forty (40) cents; for each additional person, ten (10) cents.

For each *venire*, fifty (50) cents.

For each execution or order of sale, fifty (50) cents.

For each writ of restitution, sixty (60) cents.

For warrant for one person, criminal, fifty [50] cents; for each additional person, twenty-five [25] cents.

For order on jailor for person or persons, twenty-five [25] cents.

For writs of forcible entry or detainer, seventy-five [75] cents.

For every other writ required by law, fifty [50] cents.

For hearing each preliminary or dilatory motion, twenty-five [25] cents.

For judgments on merits, or for costs, fifty [50] cents.

For dismission or continuance, forty [40] cents.

For taking verdict, twenty-five [25] cents.

For making up docket, each one hundred [100] words, fifteen [15] cents.

For each certificate, twenty-five [25] cents.

For transcript of docket, or other writing, each one hundred [100] words, fifteen [15] cents.

For swearing jury, twenty-five [25] cents.

For administering each oath, ten [10] cents.

For filing each paper, ten [10] cents.

For taking each bond, or undertaking, forty (40) cents.

For appointing special constable, ten (10) cents.

For taking each acknowledgment, fifty (50) cents.

For trying each cause of forcible entry and detainer, one (1) dollar.

For trying each criminal case, or misdemeanor, seventy-five (75) cents.

For trying each civil cause, seventy-five (75) cents.

For taking depositions, each one hundred (100) words, fifteen (15) cents.

For writing affidavit, or other writing not provided for, each one hundred [100] words, fifteen [15] cents.

For performing duties as coroner, same fees as coroner.

For marrying each couple and making returns, three [3] dollars.

For issuing attachment or replevin notice, forty [40] cents each.

In all criminal trials and examinations of persons on charges of criminal offenses against the laws of this Territory, it shall be the duty of Justices of the Peace in said County of Arapahoe to tax up the costs in each case according to the provisions of this act; and it is made the duty of all Constables, and the County Attorney of said County, to, so far as possible, collect such costs from the parties liable to pay the same, which said costs, except those of District Attorney, Constables, and Sheriff, when collected, shall be paid quarterly by said Justice into the County Treasury for the benefit of the County. The County Commissioners of said County shall allow Justices of the Peace of said County out of the County Treasury, for each month in the year, to be paid quarterly, a sum equal to the amount of fees and costs so taxed and reported by them in such criminal trials and examinations: *Provided*, that the

sum paid any Justice of the Peace out of the County Treasury, for such costs and fees, shall not in any month exceed the sum of one hundred dollars.

FEES OF CONSTABLES.

SEC. 12. The fees of Constables in Arapahoe County, Colorado Territory, shall be as follows, to-wit:

For serving each warrant or other writ not herein provided for, on each person therein named, seventy-five [75] cents.

For serving each summons on each person, fifty [50] cents.

For serving each subpœna on each person, thirty-five [35] cents.

For serving attachment, seventy-five [75] cents.

For serving writs of replevin and appointing appraisers, one [1] dollar.

For returning each process, twenty-five [25] cents.

For serving and levying executions, fifty [50] cents.

For conveying prisoners to and from jail, fifty (50) cents.

For serving writ, with aid of *posse comitatus*, five [5] dollars.

For taking replevin or other bond, fifty [50] cents.

For transporting prisoners, per mile, twenty [20] cents.

For each mile actually traveled in all cases, fifteen [15] cents.

For attending at each jury trial occupying one-half [½] day, one [1] dollar.

For each additional six [6] hours, fifty [50] cents.

For attending on each trial or examination, without a jury, one (1) dollar.

For commissions on money collected without sale, two and one-half [2½] per cent., on all sums of one hundred [100] dollars or under.

On all sums over one hundred [100] dollars, one and one-half [1½] per cent.

On all sums of money collected by sale, of sums of one hundred [100] dollars and under, five [5] per cent., and on all sums over one hundred [100] dollars, three [3] per cent.

FEES OF PROBATE JUDGE.

SEC. 13. The Probate Judge in the County of Arapahoe shall receive the following fees for services performed by him:

For appointing an executor, administrator, guardian, or trustee, five (5) dollars.

For granting letters testamentary, or of administration, and affixing the seal thereto, three (3) dollars.

Taking bond of executor, administrator, or guardian, and approving the same, one (1) dollar.

For administering oath to each executor, administrator, or guardian, twenty-five (25) cents.

Taking proof of will or codicil, two (2) dollars.

For recording any will, codicil, or other paper, for each one hundred (100) words, fifteen (15) cents.

For examining each inventory, bill of sale, or account current, filed by an executor or administrator, seventy-five (75) cents.

For entering the settlement of executors or administrators, fifteen (15) cents per folio of one hundred (100) words.

For all copies of orders, papers and proceedings, fifteen (15) cents per folio of one hundred (100) words.

For each decree, limiting the time for exhibiting the claims of creditors, seventy-five (75) cents.

For each order of distribution, two [2] dollars.

For exemplified copies of records, per folio of one hundred [100] words, fifteen [15] cents.

Making order for publication, fifty [50] cents.

Allowing appeal to District Court, one [1] dollar.

Issuing each writ, summons or citation, sixty-five [65] cents.

Administering oath and certificate thereof, twenty-five [25] cents.

Administering oath to witness, ten [10] cents.

Issuing subpœna, forty [40] cents.

Entering each order, decree or judgment not herein enumerated, fifty (50) cents.

Filing any paper pertaining to any estate, ten [10] cents.

Granting letters of guardianship or trusteeship, two [2] dollars.

Taking and approving any bond not heretofore specified, seventy-five (75) cents.

Revoking letters testamentary of administration or guardianship, one dollar and fifty cents ($1.50).

Administering oath to jury, twenty-five [25] cents.

Taking acknowledgments of interests, fifty [50] cents.

Issuing *venire* for jury, fifty [50] cents.

Entering verdict, twenty-five [25] cents.

Allowing or disallowing demands against an estate, forty (40) cents.

Entering order of continuance, fifty [50] cents.

Decree for settling estate, three (3) dollars.

For each hearing on petition for partition of real estate, or sale of real estate, three [3] dollars.

For making and entering each order for the sale of personal property, one [1] dollar.

For making and entering each order or decree for the sale or partition of real estate, two [2] dollars.

For solemnizing marriages three (3) dollars.

For all cases in which a Probate Judge shall perform the duties of a Justice of the Peace, he shall receive the same fees as are provided by law to be paid to Justices of the Peace for like services.

In all cases instituted or brought in the Probate Court of Arapahoe County, the Judge of such court

shall be entitled to the sum of five (5) dollars for each day occupied by him in such hearing or trial, to be taxed as costs against the unsuccessful party.

COUNTY COMMISSIONERS' FEES.

SEC. 14. The County Commissioners of Arapahoe County shall be allowed five [5] dollars per day for each day spent in the performance of their duties as Commissioners, and fifteen [15] cents per mile for the distance actually travelled in going to and returning from the place of meeting. *Provided*, The sum recovered by each for their services and mileage shall not exceed, in any one [1] year, the sum of five hundred [500] dollars.

The Chairman of the Board of County Commissioners of said County, shall be, *ex-officio* Superintendent of the Poor, and shall receive as compensation for his services as such Superintendent, the additional sum of five hundred [500] dollars per annum, payable monthly in the manner provided by law for the payment of other county officers. *Provided*, That if the Chairman of the said Board shall, for a time, be a non-resident of the city of Denver, the member of said Board holding the oldest commission or certificate of election, and being a resident of the said city, shall act as such Superintendent, and shall, for the time being, receive the above compensation therefor.

FEES FOR CORONER.

SEC. 15. Coroners shall be allowed eight [8] dollars for each inquest, and fifteen [15] cents per mile for each mile actually traveled in going to and returning from the place of inquest, to be paid by the County.

For all services performed in the place of the Sheriff, the same fees as are allowed to the Sheriff for his services.

FEES OF JUDGES AND CLERKS OF ELECTIONS.

SEC. 16. Each Judge and Clerk of Elections shall be allowed two dollars and fifty cents [$2.50] per day for each day's service as such Judge, or Clerk, to be paid out of the County Treasury.

Each messenger, carrying election returns to the Clerk of said County, shall be entitled to the same *per diem* as the Judges and Clerks, and fifteen [15] cents per mile for the distance necessarily traveled in going to and returning from the office of said County Clerk.

PUBLISHERS' FEES.

SEC. 17. Publishers of newspapers in Arapahoe County, shall be entitled to the following fees for the publication of all legal advertisements:

For the first insertion of each folio one hundred [100] words, fifty [50] cents.

For each subsequent insertion, twenty-five [25] cents.

SEC. 18. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

Relating to Fees and Salaries in Weld and Larimer Counties.

Be it enacted by the Council and House of Representatives of Colorado Territory, The fees and salaries of the officers of Weld and Larimer Counties shall be the same as are now provided by an act relating to fees and salaries in Arapahoe County.

SEC. 2. This act shall be in force from and after April 1st, 1874.

Approved February 13th, 1874.

AN ACT

To Encourage the Propagation of Fish in Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory, It shall be unlawful for any person or persons to kill or take trout or other fish from any private lake, pond or stream used for the propagation of such fish, except by the consent of the proprietor of such lake, pond or stream.

SEC. 2. Any person or persons violating section one (1) of this Act shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not less than fifty (50) dollars and not exceeding two hundred (200) dollars, for each offense. Such fine to be paid into the County Treasury for the benefit of the Common Schools of said County. Further, that all such fines and costs shall be collected without stay of execution and such defendant may, by order of the court, be confined in jail until such fine shall have been paid.

SEC. 3. This Act shall take effect and be in force from and after the first day of April, A. D., 1874.

Approved February 13th, 1874.

AN ACT

To Authorize the Funding of the Debt of the City of Central.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the City Council of the City of Central, in Gilpin County, Colorado Territory, are hereby authorized to issue to any person or corporation holding any City orders of said City of Central, issued prior to January 20th, A. D., 1874, coupon bonds of said City of Central, in lieu thereof, to an amount equal to the face of said order.

Regulating sale of bonds

SEC. 2. The City Council of the said City of Central shall also have the right to sell any of these bonds to any person not holding or not wishing to exchange City orders. But no bond shall be so sold unless for cash, and not then at a discount of more than five (5) per cent. on its par value, including the cost and commission of sale. The money arising from the sale of such bonds shall be forthwith used in redeeming the outstanding orders of said City of Central, and for no other purpose whatever.

Denomination of bonds and rate of interest.

SEC. 3. No bond shall be of a less denomination than fifty (50) dollars, and if issued for a greater amount, then for some multiple of that sum. Such bonds to draw interest at the rate of ten (10) per cent. per annum from the date of their delivery, the interest to be paid at the office of the City Treasurer, on the first day of January in each year, upon the production of the proper coupons for the same, such bonds to be payable at the pleasure of said City after the year 1879, but due and payable absolutely on the 31st day of December, 1884. *Provided*, That the whole amount of the bonds issued under this act shall not exceed the sum of ten thousand (10,000) dollars.

Authentication.

SEC. 4. The bonds issued as provided in sections one and two of this act, shall be signed by the Mayor and attested by the Clerk of said City, and bear the seal of the City upon each bond, and shall be numbered and registered in a book kept for that purpose, in the order in which they are issued; each bond shall state upon its face the amount, to which issued, and the date of its delivery.

SEC. 5. In no case in exchanging orders for bo shall any bond be issued at less than its par valu

SEC. 6. The City Council are further authori to prescribe the form of said bonds and the coup thereto; and, to provide for the annual paymen the interest accruing on the bonds actually iss

and delivered; and for the ultimate redemption of such bonds, they may levy a tax upon all taxable property in the said City of Central for that purpose, which tax shall be paid in cash only, and shall be kept by the City Treasurer of said City as a special fund, to be used in the payment of the interest on, and redemption of, these bonds only, such tax to be levied and collected as other taxes. Redemption.

SEC. 7. Nothing in this Act shall be construed to authorize any increase whatever in the debt of said City of Central.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved February 6th, 1874.

AN ACT

To amend An Act entitled "An Act for the Protection of Wild Game in the Territory of Colorado," approved February 9, 1872, and to repeal Sections one and two thereof.

Be it enacted by the Council and House of Representatives of Colorado Territory, No person shall kill, ensare, net, or trap, within this Territory, at any time within the period of four years, from and after the passage of this Act, any quail, or Virginia partridge; and after the said four years, no person shall kill any such quail, or partridge, at any time, except between the first day of October and the last day of November of each year; nor shall any person ensnare, net, or trap, any such quail, or partridge, at any time, or place, within this Territory. And if any person shall be found in possession of any quail, or Virginia partridge, within the period of said four years, or thereafter within any period other than between the first day of October and the last day of November, of each year; or if at any time, any per- Time when game may not be taken

son shall be found in possession of any quail, or Virginia partridge, which shall have been ensnared, netted, or trapped, such possession shall be *prima facie* evidence that such quail, or partridge, was killed, ensnared, netted, or trapped, by such person, in violation of the provisions of this Act. *Provided*, this section shall not be construed to prohibit any person from importing or dealing in quails, or Virginia partridges, imported into this Territory from any other State or Territory.

Penalty for violating this act

SEC. 2. Any person who shall violate any of the provisions of the first section of this Act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten dollars, nor more than one hundred dollars, with costs of suit, and shall be prosecuted and punished in the same manner as in other cases of misdemeanor. One half of the fine in such case shall be paid to the person informing against such offender, and the other half to the treasurer of the County, and become a part of the common school fund. *Provided*, That if such informant shall not demand the same within thirty days after such fine shall be paid or collected, the whole of such fine shall be paid to such treasurer, and applied to said school fund.

Act of 1872 amended

SEC. 3. Section seven of an Act entitled "An Act for the protection of wild game in the Territory of Colorado," approved February 9th, 1872, be, and the same is hereby amended to read as follows: Any person offending against the provisions of this Act, shall, on conviction thereof, be fined in any sum not less than two, nor more than ten dollars, for each grouse, or prairie chicken, wild goose, wild duck, curlew, snipe, plover, lark, dove, whippoorwill, finch, thrush, sparrow, wren, snowbird, martin, swallow, woodpecker, bobolink, starling or robin, so unlawfully taken, killed, or destroyed; and ten dollars for each wild turkey so unlawfully taken, killed, or destroyed; and twenty-five dollars for each buffalo,

elk, deer, mountain sheep, antelope, or fawn, so unlawfully shot, trapped, destroyed, or killed and wasted; and if any grouse, prairie chicken, wild turkey, wild goose, wild duck, curlew, snipe, plover, lark, dove, nighthawk, whippoorwill, finch, thrush, sparrow, wren, snowbird, martin, swallow, woodpecker, bobolink, starling, robin, buffalo, elk, mountain sheep, antelope, or fawn, shall be found in possession of any person within this Territory, at any time or place, during the time when the killing, shooting, trapping, netting, or destruction thereof is prohibited, such possession shall be *prima facie* evidence that such grouse, prairie chicken, wild turkey, wild goose, wild duck, curlew, snipe, plover, lark, dove, nighthawk, whippoorwill, finch, thrush, sparrow, wren, snowbird, martin, swallow, woodpecker, bobolink, starling, robin, buffalo, elk, mountain sheep, antelope, or fawn, as the case may be, was killed, shot, trapped, netted, or destroyed by such person, in violation of the provisions of this Act.

Possession *prima facie* evidence of violation of this law.

SEC. 4. Sections one and two, of an Act entitled "An Act for the protection of wild game in the Territory of Colorado, approved February 9, 1872, be, and the same are hereby repealed.

Approved February 13th, 1874.

AN ACT

To amend an Act for the protection of Growing Crops.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the following be added to section one (1) of said act; *Provided*, That the notices required to be posted in the County of Las Animas, shall be posted on the first day of April in each year, requiring the people of said county to keep in the care of herders all horses, mules, asses, neat cattle, hogs, sheep and goats, from the 10th day of April until the first day of November.

This act applies to Las Animas county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 3d, 1874.

AN ACT

To Suppress the taking of Illegal Fees by certain officers therein named.

Be it enacted by the Council and House of Representatives of Colorado Territory, Any Judge, Justice of the Peace, Clerk, Sheriff, Constable, City Marshal, or other public officer, who for the performance of an official duty, for which a fee or compensation is allowed or provided by law, shall willfully and knowingly demand or receive any greater fee or compensation either in money or other thing of value than what is allowed or provided by law for the same, or who shall willfully and knowingly demand or receive any such fee or compensation where no fee or compensation whatever is authorized or prescribed by law, shall be guilty of a misdemeanor, and upon conviction thereof shall be confined in jail not less than one nor more than six months, and shall be fined not less than one hundred nor more than five hundred dollars, besides being liable on a civil action to the person or persons from whom such fee or compensation is thus knowingly and illegally demanded or received, for three times the value or amount thereof; and upon the examination or trial of such offense the defendant shall be presumed to have acted willfully and knowingly until the contrary is shown.

Penalty

SEC. 2. Any judge, justice of the peace, clerk, sheriff, constable, city marshal, or other public officer authorized by law to issue, serve, or execute any execution, or other legal process, and who shall either charge or receive any money or other thing

of value for omitting or delaying to issue, serve, or execute such process, or to perform any other duty whatever appertaining to his particular office, shall be guilty of a misdemeanor, and upon conviction thereof, shall be confined in jail not less than one nor more than six months, and shall be fined not less than one hundred nor more than five hundred dollars; *Provided however*, That nothing in this act contained shall debar the said officers of the right, to demand and receive their legitimate fees in advance. Proviso

SEC. 3. This act shall take effect from and after its passage.

M. W. STEWART,
President of the Council.
D. H. NICHOLS,
Speaker of the House of Representatives.

[NOTE BY THE SECRETARY OF THE TERRITORY.—The foregoing Act having been presented to the Governor of the Territory for his approval and not having been returned by him to the House of the Legislature in which it originated, within the time prescribed by the Organic Act of this Territory, has become a law without his approval]

AN ACT

Concerning Irrigation.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the "Acequia" which is about to be constructed by the inhabitants on the river of San Francisco, in the County of Las Animas, Territory of Colorado, and which takes its head at the south or west side of Manuel Ocana's farm, and runs thence in an easterly course until it reaches the farm of Seferino Derrera, be recognized by the name of (Acequia Madre), or Main Ditch. This act applies to Las Animas county.

SEC. 2. That the Superintendent of this Acequia be elected according to section one (1) of the Revised Statutes of Colorado, page 365, that he be

empowered to call out all persons using water from the Acequia, respectively to repair the Acequia, or Dam, and he who shall fail to supply his share of work on the Acequia, or Dam, shall be liable to a fine imposed by the Superintendent in a sum not less than two (2), nor more than six (6) dollars for each and every day he is absent when required. And said sum shall be applied to the benefit of said Acequia.

SEC. 3. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved February 12th, 1874.

AN ACT

To Amend Chapter Eighty-four (84) of the Revised Statutes of Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory, That sections one (1) of article three (3) of said chapter be amended by inserting after the word "ditches," at the close of specified power sixth (6), the following words: "To regulate the distribution of water for irrigating and other purposes, and make an equitable and just tax upon all consumers of water, to be recovered as debt of the town."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 6th, 1874.

AN ACT

To amend an act entitled "An Act Concerning Judgments and Liens," approved February 8, 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory, That section one and

two of said Act be, and they are hereby stricken out, and the following inserted in lieu thereof:

Relating to abstracts of judgment.

SECTION 1. When a judgment shall be rendered in any District or Probate Court of this Territory, the Clerk of such District Court, or the Probate Judge, shall, upon demand, give to the plaintiff, his agent, or attorney, an abstract thereof, setting forth the name or names of plaintiff or plaintiffs, and defendant or defendants, in full, the title of the court, the date when judgment was rendered, and the amount of the same, with damages and costs, which shall be signed by such Clerk or Probate Judge, and attested by the seal of the court, and when so executed such abstract may be filed for record in the office of the Clerk and Recorder of the County where such judgment was rendered, or in any County in the Territory, and from the date of such filing and not before, such judgment shall be a lien upon all the real estate of the defendant in the County where such abstract may be so recorded, and not until such abstract shall be so filed, nor in any County other than the one in which so filed.

Satisfaction of judgment.

SEC. 2. Whenever any judgment shall be fully satisfied, the Clerk of the District Court or Judge of the Probate Court in which such judgment was rendered, shall give to the defendant, his agent, or attorney, a statement in writing, under the seal of the court, setting forth the fact that such judgment has been satisfied, which statement may be recorded in the office of the Clerk and Recorder in any County, and when so recorded shall release all the real estate of the defendant in said County from the lien of such judgment.

Approved February 13th, 1874.

AN ACT

To Provide for the Selection of Jurors to Serve in the District Courts.

Be it enacted by the Council and House of Representatives of Colorado Territory, At the next regular meeting of the Board of County Commissioners in each county the Board shall certify to the Clerk of the District Court of the same county the names of not less than one hundred nor exceeding two hundred of the male inhabitants of such county, of lawful age, who are citizens of the United States or have declared their intention to become such, and who shall have taxable property, real or personal, within the Territory, and who have in other respects the qualifications prescribed by section one of chapter 49 of the Revised Statutes. In making up such lists the Board shall proceed upon the best information that can be obtained from the return of registered voters, from the assessment rolls made under the revenue laws, and from all other sources.

Commissioners to certify lists to Clerk of the Court.

SEC. 2. At the October sitting of the Board in the year 1874, and at the April and October sittings in each year thereafter, the Board of County Commissioners in each County shall certify to the Clerk of the District Court of the same county the names of persons having the qualifications mentioned in the first (1) section of this act, and whose names have not been previously certified as aforesaid.

SEC. 3. In each county the Clerk of the District Court shall, at the expense of the County, procure a box of suitable dimensions having two compartments each of which shall be closed with a lid or cover and fastened with lock and key. An opening shall be made in each of said lids, not exceeding two (2) inches in length and one-fourth (¼) of an inch in width, which shall be for the reception of ballots. The said box shall remain in the possession of the

Jury ballot-box

District Clerk and shall not be opened except at the times and in the manner hereinafter specified. The keys to such box shall be kept by the Sheriff of the county.

Drawing jurors.

SEC. 4. All names certified to the District Clerk as aforesaid shall be by him written upon ballots, one name only being written upon each ballot, and the ballots so prepared shall be placed in one of the compartments of the said box; and whenever it shall be necessary to draw a grand or petit jury to serve at any term of the District Court, a sufficient number of names for that purpose shall be drawn by chance from that compartment in which the ballots have been put, and the ballots so drawn shall be put in the other compartment of said box.

Grand and petit jurors to be drawn in presence of the Sheriff.

SEC. 5. Jurors to attend the first term of the District Court appointed to be held in any County after this act shall take effect, shall be drawn by the Clerk of the District Court in the presence of the Sheriff of the same County, and the persons first drawn to the number of twenty-three (23) shall constitute a grand jury for such term of court, and the persons afterward drawn to the number of twenty-four (24) shall constitute a petit jury for such term of court. If in the opinion of the Judge of any such court the business to be transacted at any such term will require a petit jury to attend at any such term for more than two (2) weeks, he may direct the Clerk of such District Court to draw a second panel of petit jurors, to be summoned to attend upon such day of the term as such Judge shall direct, and jurors shall be drawn and shall be summoned to attend such court accordingly.

SEC. 6. At each term of the District Court which shall be held in any County after this act shall take effect, the Clerk of the District Court shall in open court, and under the direction of the Court, draw by chance from that compartment of said box in

Drawing of grand jurors for the succeeding term.

which such ballots shall have been placed a sufficient number of names to constitute a grand jury for the next succeeding term of court to be held in such County. The said Clerk shall in like manner draw from the same compartment of said box such number of names as the Court shall require to be drawn to constitute a petit jury or juries for the next succeeding term of the District Court to be held in such County; and the ballots so drawn shall be placed in the other compartment of said box.

What names shall be rejected

SEC. 7. If at any such drawing it shall appear to the Court that any person whose name is drawn from such box is not a resident of the County, or is by law exempt from the performance of jury duty by reason of age, infirmity, or because of holding office, or other cause, such name may be rejected, and another shall be drawn to serve as a juror in the place of the one so rejected; and if the person first drawn shall be rejected because of non-residence or of age, or other continuing disability, the name of such person shall not be placed in the other compartment of said box, but the ballot containing such name shall be destroyed and such party shall not be drawn again as a juror unless the Board of County Commissioners shall afterwards certify the name to the Clerk of the District Court as herein provided.

If any person who is not the owner of taxable property within this Territory shall be selected and summoned as a juror as provided in this act, such person being otherwise qualified to perform the duty of a juror shall not for that reason be disqualified, but shall be taken and held to be a competent juror for and during the term of court at which he shall have been summoned to attend, and such party shall not again be drawn as a juror unless the Board of County Commissioners shall afterwards certify his name to the Clerk of the District Court as herein provided.

Competency of jurors

SEC. 9. When all the names shall have been drawn from one compartment of said box and deposited in

the other compartment, the Clerk shall in open court return the ballots to that compartment from which they were taken, and the drawing of jurors shall be confined [continued] as is herein provided to be done in the first instance.

Punishment of offenses against the provisions of this act.

SEC. 10. If any person shall willfully and knowingly withdraw any ballot or ballots from said box otherwise than according to the provisions of this act, or if any person shall willfully and knowingly deposit in said box any ballot or ballots otherwise than according to the provisions of this act, such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five (25) dollars nor more than five hundred (500) dollars, and shall be confined in the county jail not less than ten (10) days nor more than six (6) months. And if any Board of Commissioners shall omit to prepare and certify such list of those eligible to jury duty as required by this act, or shall omit from such list the name of any person eligible to jury duty as aforesaid, every member of such Board willfully and knowingly consenting to such omission shall be deemed guilty of a misdemeanor, and shall be liable to the same penalties aforesaid.

Summoning jurors.

SEC. 11. Jurors selected according to the provisions of this act, shall be summoned to attend upon the court by writ of *venire facias* directed to the Sheriff of the proper County in the manner heretofore practiced, and such writs may be made returnable upon any day of the term as the court or Judge thereof shall direct.

Court may regulate manner of selecting and summoning jurors.

SEC. 12. The District Court of each Judicial District having the jurisdiction of circuit and district courts of the United States, may by rules of court regulate the manner of selecting and summoning jurors from the district at large in which such court shall be held, to attend upon such court when sitting for the trial of causes arising under the constitution

and laws of the United States; *Provided*, that such jurors shall be selected from those which shall be returned by the County Commissioners of the several Counties in the District to Clerks of District Courts, and *provided further*, that the manners of selecting such jurors shall conform to that prescribed in this act as nearly as may be practicable.

Provisions of this act not applicable to talesmen

SEC. 13. The provisions of this act shall not be applicable to jurors who may be summoned as talismen, [talesmen,] nor shall the authority of the Court to cause jurors to be summoned when none have been selected or summoned previous to a term of court in the manner prescribed by law, be deemed or held to be impaired by anything herein contained.

Manner of summoning talesmen.

SEC. 14. Whenever it shall be necessary to summon talismen [talesmen] the Court may direct them to be summoned from the bystanders, or may issue an open venire as heretofore practiced, or may cause names to be drawn from said box in the manner hereinbefore prescribed; in such case the persons so drawn shall be summoned to attend by writ of *venire facias*, to be returned as the court shall direct.

Duty of Commissioners of counties attached to other counties for judicial purposes.

SEC. 15. When any court shall be attached to another for judicial purposes, the Board of County Commissioners of the County so attached, shall make up the list of all inhabitants of said County having the qualifications mentioned in the first section of this act, and shall certify them to the Clerk of the District Court of the County to which such County shall be attached for judicial purposes, at the time and in the manner required by the first section of this act. And the Board of Commissioners of the County so attached shall at the October sitting of the Board in the year 1874, and at the April and October sittings in each year thereafter certify to the Clerk of the District Court of the County to which such County is attached for judicial purposes, the names of all persons having the

qualifications mentioned in the first section of this act, whose names have not been previously so certified. The Clerk of the District Court of the County to which any County shall be so attached for judicial purposes, shall at the expense of the County so attached procure a box for each County so attached, which shall be of the description and shall be preserved under the regulations prescribed in the third (3) section of this act.

Manner of drawing jurors in counties last named.

SEC. 16. All names certified to the Clerk of such District Court, by the Commissioners of any County so attached for judicial purposes shall by such Clerk of the District Court be written upon ballots, one name only being written upon each ballot, and the ballots so prepared shall be placed in one of the compartments of the box provided for the keeping of the names of the persons eligible to jury duty, from the County so attached for judicial purposes, and whenever it shall be necessary to draw a grand or petit jury to serve at any time [term] of such District Court, the District Court or the Judge thereof shall direct what number of grand jurors and what number of petit jurors, having reference to the population of such counties, respectively, shall be drawn from each of such counties, and the number so directed shall be drawn from the boxes provided for the keeping of the names of those eligible to jury duty in each of such Counties, respectively, and the drawing of the jurors in such case shall be proceeded with in all other respects as in other cases.

Drawing by false or erroneous names shall not be cause to quashing indictment

SEC. 17. No indictment nor any array or pannel of any grand or petit jury shall be quashed, nor shall any verdict in any case civil or criminal be set aside, nor shall judgment in any case, civil or criminal, be stayed or averted by reason that the County Commissioners in selecting such grand jury or petit jury to attend at the term of court to which such indictment is returned, or which have returned such indict-

ment or verdict have returned such jury or any of them by any faults [false] or erroneous name or by any initials, or by reason that the clerks in issuing the venire for such jury shall have designated such jury or any of them by any faults [false] or erroneous names or by any initials; but in all cases it shall be lawful for the Court in which any such jury shall attend, in its discretion, to cause the true name of any such juror to be inserted in the record as if such juror had been selected and summoned by his full and true name.

SEC. 18. All issues of facts arising upon any challenge to the array of any grand or petit jury or to individual jurors shall be tried by the court or by triers appointed as the Court shall direct.

Repealing clause.

SEC. 19. Sections three (3), four (4), five (5), six (6), seven (7), and eight (8), of chapter forty-nine (49) of the Revised Statutes, and all acts inconsistent with this act are repealed.

SEC. 20. Jurors required to attend upon courts held or appointed to be held prior to the first day of June next, shall be selected and summoned in the manner prescribed by the act now in force, and this act shall take effect from and after the passage; *Provided*, The provisions of this act shall not apply to the counties of Las Animas, Huerfano, Conejos, and Bent. That section 2, chapter 49, of the Revised Statutes be amended by inserting the word "physician" after the word "postmaster" in the fourth line of said section.

Exempted Counties.

Approved February 13th, 1874.

AN ACT

To Amend Section one (1) of Chapter fifty (50), of the Revised Statutes of Colorado.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the jurisdiction of Justices of the Peace be extended so as to embrace all action of "trespass and trespass on the case," where the damages claimed do not exceed three hundred dollars. Jurisdiction

SEC. 2. This act shall be in force from and after the 1st day of March, A. D., 1874.

Approved February 13th, 1874.

AN ACT

Limiting the time for bringing actions respecting Real Estate.

Be it enacted by the Council and House of Representatives of Colorado Territory, That every person in the peaceable and undisputed possession of lands or tenements, including mining claims, under claim and color of title, made in good faith, including pre-emptions made in accordance with the laws of Colorado Territory, or any mining district wherein such property may be situate, who shall, for five successive years hereafter continue in such possession, and shall also, during said time, pay all taxes legally assessed on such lands, tenements or mining claims, shall be held and adjudged to be the legal owners of said lands, tenements or mining claims, to the extent and according to the purport of his or her proper title or pre-emption. All persons holding under such possession by purchase, devise or descent, before said five years shall have expired, and who shall continue such possession, and continue to pay the taxes as aforesaid, so as to complete the possession of and payment of taxes for the term aforesaid, shall be entitled to the benefit of this section. Persons entitled to benefits of this section.

Persons excepted from benefits of this section.

SEC. 2. Whenever a person having color of title, either by pre-emption or otherwise, as aforesaid, made in good faith to vacant and unoccupied land or mining claims, shall pay all taxes legally assessed thereon, or for improvements situate thereon, for five successive years, he or she shall be deemed and adjudged to be the legal owner of said vacant and unoccupied lands or mining claims, to the extent and according to the purport of his or her proper title or pre-emption. All persons holding under such taxpayer, by purchase, devise or descent, before said five years shall have expired, and who shall continue to pay the taxes as aforesaid, so as to complete the payment of the taxes for the term aforesaid, shall be entitled to the benefit of this section. *Provided, however*, That if any person having a better paper title or pre-emption to said vacant and unoccupied lands or mining claims, shall during the said term of five years, pay the taxes assessed on said land or mining claims, or improvements thereon, for any one or more years of the said term of five years, then, in that case, such taxpayer, his heirs and assigns, shall not be entitled to the benefit of this section.

Property to which provisions of this act shall not extend

SEC. 3. The two preceding sections shall not apply to lands or tenements owned by the United States, except as to the possessory rights of parties claiming to hold such lands or mining claims under and in accordance with the laws of the United States, the laws of this Territory, and the mining laws, regulations and customs of the several mining districts wherein such land or mining claims may be situate; nor to land held for the use of any school or seminary, or for the use of any religious society, nor to lands held for any public purpose. Nor shall they extend to any lands, tenements or mining claims when there shall be color of title by purchase or pre-emption in another to such lands, tenements or mining claims, and the holder of such title is under the

age of twenty-one years, insane or imprisoned, *Provided*, Such person shall commence an action to recover such lands or mining claims so claimed as aforesaid, within one year after such disability shall cease to exist, and shall prosecute such action to judgment; and in case of vacant and unoccupied land, shall, also within one year, pay to the person or persons who paid the same, or to the Treasurer of the county wherein the land is situate, for the use of such person or persons, all the taxes paid by such person or persons on said land or improvements, with interest thereon from the date of such payments at the rate of twenty-five (25) per cent. per annum. Nor shall said section extend to or apply to any mining claims the title of which may be derived from pre-emption under and by virtue of the provisions of the law of the United States, approved May 10th, 1872, in reference to the forfeiture of mining claims by failure to improve the same.

SEC. 4. In all cases at law or in equity, brought to recover the possession of any lands, tenements or mining claims, except in actions of ejectment, the party defendant may plead such possession, payment of taxes as aforesaid, in bar of such action, and on failure to plead such possession and payment of taxes, the right of the said defendant to avail himself of the benefit of said statute shall be deemed waived by the said defendant.

Approved February 13th, 1874.

AN ACT

To amend an Act entitled "Lunatics."

Be it enacted by the Council and House of Representatives of Colorado Territory, That section thirty-one (31) of chapter fifty-six (56) of the Revised Statutes of Colorado, be and the same is hereby amended by adding thereto the following words, viz:

Care of the insane.

That until such time as the Territory of Colorado shall have provided a place for the custody and subsistence of lunatic paupers, the same shall be transported to some convenient asylum, either within or out of the limits of this Territory, where such pauper will receive such attention and treatment as she or he may require; the expense necessarily incurred in and about the transportation of such lunatic pauper, as well also his or her bills at the asylum, shall be borne and paid by the county of which such lunatic pauper is a resident, the same, upon proper vouchers, presented for that purpose, to be repaid to such county out of the Territorial fund for the support of the insane.

SEC. 2. This act shall take effect and be in force on and after its passage.

Approved February 10th, 1874.

AN ACT

To authorize the allowance of the Alternative Writ of Mandamus during Vacation.

Be it enacted by the Council and House of Representatives of Colorado Territory, The Judge of any District Court may upon proper petition presented in vacation or during the term of the court, but while the court is not sitting, allow the alternative writ of mandamus, returnable to any day in the next term, or in the term then sitting, or any day in vacation that he may designate, not less than ten (10) days after the issuing of such writ, with like effect as the court might do.

Judges of other districts may issue writs out of their districts in certain cases.

SEC. 2. If the Judge of any District Court shall be interested in the matter in controversy, or for any reason unable to hear the petition, or if there be no Judge appointed in any district, or if the Judge be

absent from his district, the Judge of any other District Court may allow such writ, with like effect as the Judge of the Court into which the same is returnable.

Of the return of alternative writs and hearing of cause.

SEC. 3. Upon the return of any alternative writ of mandamus, issued as aforesaid, returnable on any day in vacation, the Judge who issued the same may hear it and make such order or rules to plead to the same as a court might do in term time, and after the issue is made up and completed, or in case of default or failure to plead, the said Judge may hear and determine the same, and render final judgment the same as a court might do in term time, and the Clerk of the District Court of the proper county shall keep a record of said cause and all proceedings therein, the same as if the same were had, done and determined in term time, and an appeal or writ of error may be prosecuted from the final order or judgment in the same, as if in term time, in the manner now allowed by law.

Approved February 13th, 1874.

AN ACT

To amend Chapter LIX of the Revised Statutes of Colorado Territory, entitled "Marriages."

Be it enacted by the Council and House of Representatives of Colorado Territory, The County Clerk of any county in this Territory, shall have authority to issue marriage licenses to any parties applying for the same, who may be entitled under the laws of this Territory to contract matrimony, authorizing the marriage of such parties, which licenses shall be substantially, in the following form:

Form of marriage license.

Know all men by this certificate that any regularly ordained minister of the gospel, authorized by the rules and usages of the church or denomination

of Christians, Hebrews, or religious body of which he may be a member, or any Judge or Justice of the Peace to whom this may come, he not knowing of any lawful impediment thereto, is hereby authorized and empowered to solemnize the rites of matrimony between ——— of ——— and county of ———, and ——— of ——— and county of ———, and to certify the same to said parties, or, in his ministerial or official capacity, either of them, under his hand and seal, and thereupon he is hereby required to return his certificate in his official or ministerial capacity in form following as hereto annexed.

In testimony whereof I have hereunto set my hand and affixed the seal of the said county at —— this — day of —— A. D. 18 .

SEC. 2. The form of certificate annexed to said license, and therein referred to, shall be as follows:

I, ———, a——, residing at ——, in the county of —— of the ——, do certify that in accordance with the authority on me conferred by the above license, I did on this — day of ——, in the year A. D. 18 , at —— in the county of ——, in the Territory of Colorado, solemnize the rites of matrimony between ——— of ——, in the county of ——, of the——, and ——— of ——, of the county of ——, of the ——, in the presence of ——— and ———.

Witness my hand and seal at county aforesaid, this — day of ——, A. D. 18 .

In presence of

——— } [SEAL.]
——— }

Responsibility of ministers.

The license and certificate duly executed by the minister or officer who shall have solemnized the marriage authorized, shall be returned by him to the office of the Clerk who issued the same, within thirty days from the date of solmnizing the marriage therein authorized, and a neglect to make such return shall be deemed a misdemeanor, and the person

whose duty it shall be to make any such return and who shall neglect to make such return, within the time above required shall, upon conviction thereof, be punished by fine of not less than twenty nor more than fifty dollars, to be assessed by any Justice of the Peace or other court having jurisdiction.

Duties and responsibilities of County Clerk.

SEC. 3. Every County Clerk shall have personal knowledge of the competency of the parties for whose marriages a license is applied for, shall issue such license upon payment or tender to him of his legal fee therefor. And if such Clerk does not know of his own knowledge that the parties are competent under the laws of this Territory to contract matrimony, he shall take the affidavit in writing of the person or persons applying for such license, and of such other persons as he may see proper, and of any person whose testimony may be offered, and if it appear from the affidavits so taken that the parties for whose marriage the license in question is demanded are legally competent to marry, the Clerk shall issue such license, and the affidavits so taken by him shall be his warrant against any fine or forfeiture for issuing such license.

Any County Clerk who shall issue a license to marry any parties, one or both of whom shall not be at time of marriage under such license legally competent to marry, without taking such testimony by affidavit as shall show that the parties authorized by such license to be married are legally competent to marry, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the sum of one hundred dollars, before any court having jurisdiction.

Clerk empowered to administer oaths.

SEC. 4. The County Clerk shall have power to administer all oaths required or provided for in this act, and if any person, in any such affidavit, shall willfully and corruptly swear falsely in regard to any

material fact as to the competency of any person for whose marriage the license in question, or concerning the procuring or issuing of which such affidavit may be made, shall be deemed guilty of perjury, and on conviction thereof, shall be punished as provided by statute in other cases of perjury.

SEC. 5. Any such minister or officer as aforesaid to whom any such license, duly issued, may come, and not having personal knowledge of the incompetency of either party therein named to contract matrimony, may lawfully solemnize matrimony between them.

SEC. 6. If any such minister or officer shall presume to solemnize any marriage between any parties without such a license, or with knowledge that either party is legally incompetent to contract matrimony as is provided for in this act, he shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine of not less than fifty dollars nor more than two hundred dollars, before any court having jurisdiction.

Licenses to be recorded.

SEC. 7. The County Clerk of each county in this Territory shall keep on file every such marriage license returned to him, and shall record each marriage certificate so returned, in a proper book to be kept for that purpose, and shall be entitled to a fee of one dollar therefor, which fee he may demand and receive of the person applying for any such license, at the time of issuing the same, and he may refuse to issue any such license until such fee is paid to him.

SEC. 8. All acts and parts of acts hitherto in force in this Territory and inconsistent with this act are hereby repealed.

SEC. 9. This act shall be in force from and after the first (1st) day of March, A. D. 1874.

Approved February 13, 1874.

AN ACT

Concerning Married Women.

Be it enacted by the Council and House of Representatives of Colorado Territory, That hereafter any woman, while married, may bargain, sell and convey her real and personal property, and enter into any contract in reference to the same, as if she were sole.

SEC. 2. Any woman may, while married, sue and be sued in all matters the same as if she were sole.

SEC. 3. Any woman, while married, may contract debts in her own name and upon her own credit, and may execute promissory notes, bonds, bills of exchange and other instruments in writing, and may enter into any contract the same as if she were sole; and in all cases where any suit or suits, or other legal proceedings, shall be instituted against her, and any judgment, decree or order therein, shall be rendered or pronounced against her, the same may be enforced by execution or other process against her the same as if she were sole. May contract debts and enter into contracts.

SEC. 4. That section seventeen, of chapter seventeen, of the Revised Statutes of Colorado, and section eleven, of chapter sixty, of the Revised Statutes of Colorado, and all other acts or parts of acts inconsistent with this act, be, and the same are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after the first day of March, A. D., 1874.

Approved February 12, 1874.

AN ACT

Concerning Mines.

Be it enacted by the Council and House of Representatives of Colorado Territory, The length of any lode Length of claim.

claim hereafter located may equal but not exceed fifteen hundred (1500) feet along the vein.

Width of claims defined.

SEC. 2. The width of lode claims hereafter located in Gilpin, Clear Creek, Boulder and Summit counties, shall be seventy-five (75) feet on each side of the center of the vein or crevice; and in all other counties the width of the same shall be one hundred and fifty (150) feet on each side of the center of the vein or crevice: *Provided*, That hereafter any county may, at any general election, determine upon a greater width not exceeding three hundred (300) feet on each side of the center of the vein or lode, by a majority of the legal votes cast at said election, and any county by such vote at such election may determine upon a less width than above specified.

Recording.

SEC. 3. The discoverer of a lode shall within three (3) months from the date of discovery, record his claim in the office of the Recorder of the county in which such lode is situated, by a location certificate which shall contain: 1st. The name of the lode. 2d. The name of the locator. 3d. The date of location. 4th. The number of feet in length claimed on each side of the center of discovery shaft. 5th. The general course of the lode as near as may be.

Character of location certificate.

SEC. 4. Any location certificate of a lode claim which shall not contain the name of the lode, the name of the locator, the date of location, the number of lineal feet claimed on each side of the discovery shaft, the general course of the lode, and such description as shall identify the claim with reasonable certainty shall be void.

Improvement and identification of claims.

SEC. 5. Before filing such location certificate, the discoverer shall locate his claim by first sinking a discovery shaft upon the lode to the depth of at least ten (10) feet from the lowest part of the rim of such shaft at the surface, or deeper, if necessary to show a well defined crevice. Second—by posting at the point of discovery on the surface, a plain sign or

notice containing the name of the lode, the name of the locator, and the date of discovery. Third—By marking the surface boundaries of the claim.

Surface boundaries—how marked

SEC. 6. Such surface boundaries shall be marked by six (6) substantial posts hewed or marked on the side or sides which are in toward the claim, and sunk in the ground to-wit: one at each corner and one at the center of each side line. Where it is practically impossible on account of bed rock or precipitous ground to sink such posts, they may be placed in a pile of stones.

SEC. 7. Any open cut, cross-cut, or tunnel, which shall cut a lode at the depth of ten (10) feet below the surface, shall hold such lode, the same as if a discovery shaft were sunk thereon, or an adit of at least ten (10) feet in along the lode from the point where the lode may be in any manner discovered, shall be equivalent to a discovery shaft.

Sixty days after discovery to make improvements.

SEC. 8. The discoverer shall have sixty (60) days from the time of uncovering or disclosing a lode to sink a discovery shaft thereon.

Legal construction of certificates respecting surface limits.

SEC. 9. The location, or location certificate of any lode claim shall be construed to include all surface ground within the surface lines thereof, and all lodes and ledges throughout their entire depth, the top or apex of which lie inside of such lines extended downward, vertically, with such parts of all lodes or ledges as continue by dip beyond the side lines of the claim, but shall not include any portion of such lodes or ledges beyond the end lines of the claim or the end lines continued whether by dip or otherwise, or beyond the side lines in any other manner than by the dip of the lode.

SEC. 10. If the top or apex of a lode in its longitudinal course extends beyond the exterior lines of the claim at any point on the surface, or as extended vertically downward, such lode may not be followed in its longitudinal course beyond the point where it is intersected by the exterior lines.

Right of way for ditches and flumes.

SEC. 11. All mining claims now located, or which may be hereafter located, shall be subject to the right of way of any ditch or flume for mining purposes, or of any tramway or pack trail, whether now in use or which may be hereafter laid out across any such location; *Provided, always*, that such right of way shall not be exercised against any location duly made and recorded, and not abandoned prior to the establishment of the ditch, flume, tramway, or pack trail, without consent of the owner, except by condemnation as in case of land taken for public highways. Parol consent to the location of any such easement accompanied by the completion of the same over the claim shall be sufficient without writings; *and provided further*, that such ditch or flume shall be so constructed that the water from such ditch or flume shall not injure vested rights by flooding or otherwise.

When miners may be enjoined from working.

SEC. 12. When the right to mine is in any case separate from the ownership or right of occupancy to the surface, the owner or rightful occupant of the surface may demand satisfactory security from the miner, and if it be refused may enjoin such miner from working until such security is given. The order for injunction shall fix the amount of bond.

Regulating proceedings where certificates are erroneous or defective.

SEC. 13. If at any time the locator of any mining claim heretofore or hereafter located, or his assigns, shall apprehend that his original certificate was defective, erroneous, or that the requirements of the law had not been complied with before filing, or shall be desirous of changing his surface boundaries, or of taking in any part of an overlapping claim which has been abandoned, or in case the original certificate was made prior to the passage of this law and he shall be desirous of securing the benefits of this act, such locator, or his assigns, may file an additional certificate, subject to the provisions of this act. *Provided*, That such relocation does not interfere

Proviso.

with the existing rights of others at the time of such relocation, and no such relocation, or the record thereof, shall preclude the claimant or claimants from proving any such title or titles as he or they may have held under previous location.

SEC. 14. The amount of work done, or improvements made during each year, shall be that prescribed by the laws of the United States.

Proof of improvement.

SEC. 15. Within six (6) months after any set time or annual period herein allowed for the performance of labor, or making improvements upon any lode claim, the person on whose behalf such outlay was made, or some person for him, shall make and record an affidavit, in substance as follows:

TERRITORY OF COLORADO, }
COUNTY OF ————. } ss.

Form of affidavit.

Before me, the subscriber, personally appeared ————, who being duly sworn, saith that at least —— dollars worth of work or improvements were performed or made upon (here describe claim or part of claim) situate in ———— mining district, County of ————, Territory of Colorado. Such expenditure was made by or at the expense of ——, owners of said claim, for the purpose of holding said claim.

(Jurat) Signature.

And such signature shall be *prima facie* evidence of the performance of such labor.

Regulating relocations.

SEC. 16. The relocation of abandoned lode claims shall be by sinking a new discovery shaft, and fixing new boundaries in the same manner as if it were the location of a new claim; or the relocator may sink the original discovery shaft ten (10) feet deeper than it was at the time of abandonment, and erect new, or adopt the old boundaries, renewing the posts if removed or destroyed. In either case a new location stake shall be erected. In any case, whether the whole or part of an abandoned claim is taken,

the location certificate may state that the whole or any part of the new location is located as abandoned property.

No certificate to cover more than one location

SEC. 17. No location certificate shall claim more than one location, whether the location be made by one or several locators. And if it purport to claim more than one location, it shall be absolutely void, except as to the first location therein described, and if they are described together, or so that it cannot be told which location is first described, the certificate shall be void as to all.

Prior acts repealed.

SEC. 18. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 19. This Act shall be in force from and after June 1st, 1874.

Approved February 13th, 1874.

AN ACT

Concerning Mines.

Be it enacted by the Council and House of Representatives of Colorado Territory: In all actions pending in any District Court of this Territory wherein the title or right of possession to any mining claim shall be in dispute, the said Court, or the Judge thereof, may upon application of any of the parties to such suit, enter an order for the underground as well as surface survey of such part of the property in dispute as may be necessary to a just determination of the question involved. Such order shall designate some competent surveyor not related to any of the parties to such suit, or in anywise interested in the result of the same, and upon the application of the party adverse to such application the court may also appoint some competent surveyor to be selected by such adverse applicant, whose duty it shall be to attend upon such survey and observe the method of making the same; said second surveyor to be at the

Actions where title or possession is in dispute—how commenced

cost of the party asking therefor. It shall also be lawful in such order to specify the names of witnesses named by either party, not exceeding three on each side, to examine such property, who shall thereupon be allowed to enter into such property and examine the same. Said Court or the Judge thereof may also cause the removal of any rock, debris, or other obstacle in any of the drifts or shafts of said property, when such removal is shown to be necessary to a just determination of the questions involved; *Provided, however*, that no such order shall be made for survey and inspection except in open court or in chambers, upon notice of application for such order of at least six days, and not then except by agreement of parties, or upon the affidavit of two or more persons that such survey and inspection is necessary to the just determination of the suit, which affidavits shall state the facts in such case, and wherein the necessity for survey exists, nor shall such order be made unless it appears that the party asking therefore [therefor] had been refused the privilege of survey and inspection by the adverse party.

Powers delegated to District Courts in such cases.

SEC. 2. The said District Courts of the Territory, or any Judge thereof, sitting in chancery, shall have in addition to the power already possessed, power to issue writs of injunction for affirmative relief, having the force and effect of a writ of restitution, restoring any person or persons to the possession of any mining property from which he or they may have been ousted by force and violence or by fraud, or from which they are kept out of possession by threats, or whenever such possession was taken from him or them by entry of the adverse party on Sunday or a legal holiday, or while the party in possession was temporarily absent therefrom. The granting of such writ to extend only to the right of possession under the facts of the case in respect to the

manner in which the possession was obtained, leaving the parties to their legal rights on all other questions as though no such writ had issued.

Concerning the dispossession of parties by violence.

SEC. 3. In all cases where two or more persons shall associate themselves together for the purpose of obtaining the possession of any lode, gulch, or placer claim, then in the actual possession of another, by force and violence or threats of violence, or by stealth, and shall proceed to carry out such purpose by making threats against the party or parties in possession, or who shall enter upon such lode or mining claim for the purpose aforesaid, or who shall enter upon or into any lode, gulch, placer claim, quartz mill, or other mining property, or not being upon such property, but within hearing of the same, shall make any threats, or make use of any language, signs or gestures, calculated to intimidate any person or persons at work on said property from continuing to work thereon or therein, or to intimidate others from engaging to work thereon or therein, every such person so offending, shall, on conviction thereof, be fined in a sum not to exceed two hundred and fifty dollars, and be imprisoned in the county jail not less thirty days nor more than six months, such fine to be discharged either by payment or by confinement in said jail until such fine is discharged, at the rate of two dollars and fifty cents per day, ($2.50).

Penalty.

Character of evidence required to convict.

On trials under this section, proof of a common purpose of two or more persons to obtain possession of property as aforesaid, or to intimidate laborers as above set forth, accompanied or followed by any of the acts above specified by any of them, shall be sufficient evidence to convict any one committing such acts, although the parties may not be associated together at the time of committing the same.

SEC. 4. If any person or persons shall associate and agree to enter or attempt to enter by force of numbers

and the terror such number is calculated to inspire, or by force and violence, or by threats of violence against any person or persons in the actual possession of any lode, gulch, or placer claim, and upon such entry or attempted entry, any person or persons shall be killed, said persons and all and each of them so entering or attempting to enter, shall be deemed guilty of murder in the first degree and punished accordingly.

When party or parties are killed, the aggressors to be severally held for murder in first degree

Upon the trials of such cases any person or parties cognizant of such entry, or attempted entry, who shall be present aiding, assisting, or in anywise encouraging such entry or attempted entry, shall be deemed a principal in the commission of said offense.

SEC. 5. This Act shall take effect and be in force from and after its passage.

Approved February 18th, 1874.

AN ACT

To Enable Counties to Provide Water for Mining, Milling, Irrigating and Domestic and Fire Purposes.

Be it enacted by the Council and House of Representatives of Colorado Territory, It shall be lawful for the Board of Commissioners of any county in this Territory to subscribe to the capital stock of any incorporated company organized under the laws of this Territory for the purpose of constructing ditches, flumes or other works for the supply of such county with water for mining, milling, irrigating and domestic and fire purposes, such subscription to be paid by the issue of the bonds of said county as hereinafter provided.

Commissioners may subscribe to capital stock of corporations

SEC. 2. Whenever any such incorporated company shall solicit the aid of such county by subscription to its capital stock, it shall submit to the Board of County Commissioners a statement in writing, to

be filed in the office of the County Clerk of such county, setting forth the source from which water is to be obtained, and the proposed capacity of the ditch, flume or pipes by which the water is to be brought, together with the number and size of the reservoirs to be constructed, and the route, as near as practicable, over which the same is to be brought, the estimated cost of the said works when completed, and the rates at which they agree to furnish water for the purposes above set forth, for the first three years after the same is in operation. Such statement shall also be accompanied with a petition of at least fifty legal voters of said county who shall have paid taxes on property, real or personal, in said county during the year preceding that in which such petition is drawn, requesting said Board to call an election in said county upon the question of the issue of the bonds of such county in aid of said company in payment of the proposed subscription to the capital stock of said company. Upon the receipt of such statement and petition, the said Board of County Commissioners shall thereupon, within ten days thereafter, call a special election upon such question and enter an order on their journal therefor. Such election shall be upon notice published in some newspaper published in said county, for at least three weeks before the day named therein, upon which the vote shall be taken, or if there is no newspaper published in such county, then by putting notices at the usual place of voting in the different precincts of said county for the same period. Said notice shall contain the statement of the said company as above prescribed, together with the terms and conditions upon which such stock is to be subscribed, and the bonds issued, and any other matters necessary to a fair, impartial and intelligent expression of the will of the voters of such county upon the question submitted, which question shall be as to the subscription to the capital stock of said

When and how elections may be ordered

company and the issuance of the bonds of said county in payment thereof. Such notice shall also state the time which such bonds shall run, the rate of interest they shall bear, and the manner in which they shall be paid.

Issue of bonds and rate of interest.

SEC. 3. If a two-thirds majority of all votes cast at such election shall be in favor of the subscription to said stock, and the issuance of such bonds, it shall be the duty of the said Board of County Commissioners to subscribe said stock and issue said bonds of said county, and to exchange the same at the par value for the stock of said company, at its par value. *Provided*, That no bonds shall be issued bearing interest at a rate exceeding ten (10) per cent. per annum, and *provided further*, that no bonds shall be issued due and payable until fifteen years after the date thereof, except at the option of the said Board of County Commissioners of such county, after five years from date thereof.

Payment of interest.

SEC. 4. The Board of County Commissioners of any such county shall have power to levy a special tax, to be paid in cash, of not to exceed three mills on each and every dollar of property assessed and liable to taxation in such county, each year, for the payment of the interest annually on such bonds, and at the end of five years it shall be the duty of such Board to levy a tax, not exceeding five mills, on the assessed value of the property in said county, for each and every year, for the payment of the interest and principal of said bonds, and all moneys applicable to the payment of the principal of said bonds shall be applied to the payment thereof by the said Board, at the end of the fiscal year, of such county. *Provided*, That the amount so levied each year shall be an amount sufficient at such rates to pay the amount of said bonds at maturity.

SEC. 5. No incorporated company to whose stock any county has subscribed, shall make any discriminating rates against, or in favor of any person or

corporation, or charge one person or corporation more for a given amount of water for a given purpose, than another, except that in cases where a small quantity of water only is required, it shall be lawful for the company to make such charges as may be just and reasonable, without regard to the rates fixed for other purposes and in larger amounts.

Exchange of stock for bonds.

SEC. 6. It shall be lawful, at any time after three years from the date of any bonds issued under the provisions of this act, for the Board of County Commissioners of any county to exchange the stock so held and subscribed by said county, for the bonds of the said county, such stock to be exchanged at its par value, and such bonds taken at their par value.

SEC. 7. The amount of bonds issued by any county under the provisions of this act, shall in no case exceed four per cent. of the assessed value of the property situate in said county, for the year preceding that in which such bonds are voted.

SEC. 8. The provisions of this act shall not apply to Arapahoe county.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To amend Chapter Fourteen of the Revised Statutes of Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory, That chapter fourteen of the Revised Statutes of Colorado Territory be and the same is hereby amended by adding thereto the following section, which shall stand as section 8 to said chapter:

SEC. 8. Section two (2) of this chapter shall not apply to any township in which is located the county

seat of any county; but in any such township any mortgagor of personal property residing in the same may acknowledge such mortgage before any Justice of the Peace, Notary Public, or County Clerk of the County in which he shall reside, and the said Justice, Notary Public, or County Clerk, as the case may be, shall certify the same in substance as provided in said section two by Justices of the Peace, and when so certified any such mortgage may be recorded with like effect as provided in section three of this chapter.

Acknowledgment of mortgages.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

Concerning the Release of Mortgages.

Be it enacted by the Council and House of Representatives of Colorado Territory, That when the mortgagee of any property within the Territory shall have received payment of the money due to him, and secured by the mortgages, and shall have entered or may hereafter enter satisfaction or a receipt for the same, either on the mortgage or on the record of the mortgage, such satisfaction or receipt so recorded shall operate and be taken to release the said mortgage to whoever may be entitled to a release, and shall reconvey the title of any property in any mortgage to whoever may be entitled to receive the same as fully as a release deed would have done, executed under the formalities prescribed by the law regulating conveyances.

Operation of satisfaction or receipts when recorded.

SEC. 2. That all releases heretofore made upon the records of mortgages in this Territory, and signed by the mortgagee, are hereby legalized and made of the same effect in reconveying real estate from the said mortgagee to whoever was entitled to receive

Recorded releases legalized.

the same, as a release legally executed by the said mortgagee would have been.

Duties of Recorders under this act.

SEC. 3. That the Clerk and Recorder of each county, when hereafter recording a mortgage, shall leave a space on the margin of the record for the entry of satisfaction, and shall record therein the satisfaction made on said mortgage, or permit the mortgagee to enter therein the satisfaction of said mortgage, which record shall have the same force and effect as the record of a release deed of said mortgagee; and the Clerk and Recorder shall be entitled to demand and receive the sum of fifty cents for recording such satisfaction of a mortgage, or permitting the same to be recorded as aforesaid by the mortgagee.

SEC. 4. This Act shall be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

Concerning Notaries Public.

Fees.

Be it enacted by the Council and House of Representatives of Colorado Territory: That the fees of Notaries Public shall be as follows:

For noting a bond, bill of exchange or promissory note for protest, fifty (50) cents.

For each protest and record of the same, fifty (50) cents.

For each notice of protest, fifty (50) cents.

For each certificate and seal, fifty (50) cents.

For each acknowledgement of a deed or other instrument in writing, fifty (50) cents.

For taking depositions, per folio, fifteen (15) cents.

For swearing any person to an affidavit, with certificate and seal, twenty-five (25) cents.

For all other services, the same fees as Justices of the Peace for like services.

SEC. 2. All acts or parts of acts inconsistent or conflicting with this act are hereby repealed.

Approved February 13th, 1874.

AN ACT

Relating to Partnership.

Be it enacted by the Council and House of Representatives of Colorado Territory: That hereafter it shall be lawful to form limited partnerships within this Territory in accordance with the provisions of this act.

Liability of partners.

SEC. 2. Such partnership shall consist of one or more persons, who shall be called general partners, who shall be jointly and severally liable, as general partners now are, and of one or more persons contributing a specified amount of capital in cash or other property, at cash value, to the common stock, who shall be special partners, and who shall not be liable for the debts of the partnership beyond the amount of the fund so contributed by them respectively to the capital stock, except as hereinafter provided.

SEC. 3. The general partner or partners only shall be authorized to transact the business, to sign for the partnership, and to bind the same.

Certificate of partnership.

SEC. 4. Persons desiring to form such partnership shall make and severally sign a certificate, which shall contain,

First—The name of the firm under which the partnership is to be carried on.

Second—The nature of the business to be transacted.

Third—The names of the general and special partners, designating which are general, which special, and the place of residence of each, and the place in which the principal business is to be carried on.

Fourth—The amount of capital stock which each special partner has contributed to the common stock.

Fifth—The period at which the partnership is to commence, and the period when it will terminate.

Acknowledgment.

SEC. 5. Such certificate shall be acknowledged by the several persons making the same, before some officer authorized to take acknowledgment of deeds, which acknowledgment shall be made and certified to in the same manner as now prescribed by law for the acknowledgment of deeds for the conveyance of real estate.

SEC. 6. Such certificates, when duly acknowledged and certified to, shall be filed in the office of the Clerk of the County in which the principal business is to be carried on, and shall be recorded at large by the Clerk in a book kept for that purpose; and such book shall be open for inspection at all reasonable hours, to any person desiring to inspect the same. If such partnership shall have places of business in different counties, a transcript of such record, duly certified by the same Clerk, shall be filed and recorded in like manner in the office of the Clerk of every such county, and shall be recorded and subject to inspection, as above stated.

Filing certificate.

SEC. 7. At the time of filing the original certificate as above directed, an affidavit of one or more of the special partners shall be attached to such certificate or filed therewith, stating that the amount in money or property at cash value, specified in the certificate to have been contributed by such special partner, has been actually and in good faith contributed, and applied to the common stock of said partnership.

SEC. 8. No such partnership shall be deemed to have been formed, until such certificate duly, acknowledged, and affidavit, shall have been filed as above directed; and if any false statement shall be made in such certificate or affidavit, all persons interested in such partnership shall be liable for all the engagements thereof, as general partners.

Terms of partnership to be published.

SEC. 9. The partners shall publish the terms of partnership, including the amount of capital furnished by the special partners, and the name of all

the partners, for at least four (4) weeks, immediately after the filing of the certificate as above directed, in some newspaper published in the county wherein said business is to be transacted, or if no newspaper is published in said county, then in a newspaper published the nearest to the place of business designated, and if such publication is not so made, the partnership shall be deemed general.

SEC. 10. The business of the partnership shall be conducted under a firm name in which the names of the general partners only shall be inserted, and if the name of any special partner be used in the said firm with his privity and consent, or if he shall contract for said firm concerning its business, he shall be deemed and treated as a general partner.

SEC. 11. During the continuance of such partnership, no part of the capital stock shall be withdrawn nor any division of interest or profit be made so as to reduce such stock below the sum stated in the certificate above mentioned, and in case it should subsequently appear that such a receiving of interest was a withdrawing of original capital, the special partner or partners shall refund the same with lawful interest.

SEC. 12. All suits respecting the business of such partnership shall be brought by and against the general partners only, except in those cases provided for in this act where the special partnership is to be deemed a general one, in which all the partners may join or be joined in such suit; and excepting, also, those cases where special partners shall be held severally responsible for and on account of any sum by them received, or withdrawn from the common stock, as above provided, in which case suit may be brought by the general partners, and the special partners entitled to receive any part of the money so withdrawn.

SEC. 13. No dissolution of any such partnership

Concerning dissolution of copartnership.

shall take place, except by operation of law, before the time specified in the certificate above mentioned, unless notice thereof is given by publication for at least four weeks previous to such dissolution in some newspaper published in the county where such business is carried on, or in the nearest one thereto, and filed in the office of the Clerk of each county where, in the original certificate, or a transcript thereof, was filed, as above provided for.

Married women may become partners.

SEC. 14. Any married woman may become a special partner under this act, either with her husband, or any other person, for the purposes of this act. She shall be competent to contract with her husband, or any other person, the same as though she was a *feme sole*, and in all suits and proceedings arising, or growing out of any such partnership, she shall be a witness for or against her husband, the same as though a *feme sole*.

SEC. 15. The Clerk of the county where the certificate above mentioned shall be filed shall be entitled to receive one (1) dollar for the recording and indexing of every such certificate or transcript thereof.

SEC. 16. This act shall take effect from and after its passage.

Approved February 13th, 1874.

AN ACT

For the Government and Management of the Penitentiary.

Be it enacted by the Council and House of Representatives of Colorado Territory, There shall be maintained, in the town of Cañon City, in the county of Fremont, a penitentiary, which shall be under the direction and management of three managers.

Managers appointed by the Governor

SEC. 2. The managers mentioned in the preceding section shall be appointed by the Governor by and

with the advice and consent of the Territorial Council, one of whom shall be appointed from each judicial district in this Territory, as now constituted by law, and they shall hold their office for the term of two years and until their successors are duly qualified.

SEC. 3. Any two (2) of the Managers shall constitute a Board, and may do any of the acts which the Managers are required or authorized to do.

SEC. 4. The Managers shall each be allowed the sum of six hundred dollars per annum, as full compensation, for all the services required of them by law.

Supervision, rules, and regulations.

SEC. 5. The Board of Managers shall make such rules and regulations for the government and discipline, and police of the Penitentiary, and for the punishment of the persons confined, not inconsistent with law, as they may deem expedient. They shall exercise a general superintending control over the government and discipline of the Penitentiary; cause such rules and regulations as they may prescribe for the government and discipline of the Prison, to be printed and placed in some conspicuous place, in said Prison, and shall visit said Prison as often as once in three months.

Powers of managers.

SEC. 6. The Managers shall have the power, and it shall be their duty, to examine and enquire into all matters connected with the government, discipline and police of the Penitentiary, the punishment and treatment of the prisoners. They shall inspect them, listen to any complaints of oppression or misconduct on the part of the keepers of the Prison, inquire into any improper conduct which may be alleged to have been committed by the Warden, or other employee in the Prison, and for that purpose shall have the powers of a Justice of the Peace to issue subpœnas, and compel the attendance of witnesses, and administer oaths.

Shall report to Legislature

SEC. 7. At each session of the Legislative Assembly, the Board of Managers shall make thereto, in writing, a report, exhibiting a comprehensive view of the government, discipline and transactions of the Penitentiary, during the interval of time between the sessions of the Legislative Assembly, which shall particularly set forth:

First—The number of convicts confined in the Penitentiary, the various branches of business in which they have been employed, the number employed in each branch, the age, sex, and nativity, of the convicts, their term of imprisonment, the offense for which they were convicted, from what county they were sent, the number of convicts that have escaped, the circumstances attending every such escape, or died, or have been pardoned, or discharged, during the time covered by such report.

Second—The quality and quantity of food and clothing allowed to the convicts, and the general state of their health, during such time.

Third—The manner in which the convicts have been treated by the Warden, the number that have been punished, the nature of the punishment, how often inflicted, and for what offense.

Fourth—The Board of Managers shall, from tim to time, upon demand of the Governor, make ar render to him a full report, embracing all the ma ters required to be reported in section seven hereo

SEC. 8. The Board of Managers shall keep mi utes of their meetings and proceedings, which sh be signed by them, and preserved by the Territori Auditor in this [his] office.

SEC. 9. No Manager, Warden, or other Officer Guard, or other employee of the Penitentiary, sha on any pretense, receive from any of the convic any sum of money, emolument, or reward what ever, or any article of value, as a gift, under the p alty of five hundred dollars, to be recovered by act

of debt, in the name of the people of the Territory of Colorado, in any court having jurisdiction thereof.

Organization of Penitentiary.

SEC. 10. The organization of the Penitentiary shall consist of a Warden, and such Guards, Turnkeys, and Overseers, as may be necessary; the Warden to be appointed by the Governor, by and with the advice and consent of the Council, and shall hold their offices for two years. The Guards, Turnkeys and Overseers shall be appointed by the Warden, but shall be dismissed at the discretion of the Managers.

Warden may be removed by Governor.

SEC. 11. The Warden shall be removable by the Governor, upon the request, in writing, of the Managers, or a majority, which request shall set forth the cause of complaint against such officers; and upon such removal the Governor shall forthwith appoint a successor for such officer so removed, who shall enter upon and discharge the duties of his office until the next ensuing session of the Legislative Assembly, when his name shall be sent to the Council by the Governor, for confirmation.

SEC. 12. The Warden shall reside upon the prison ground.

SEC. 13. The Warden of the Penitentiary shall receive the following salary per annum, to-wit, twenty-five hundred dollars, and the Guards, Turnkeys and Overseers, such compensation as shall be agreed upon by the Managers, to be paid quarterly, out of the funds appropriated for that purpose.

Duties of the Warden.

SEC. 14. The Warden shall have the charge and custody of the Penitentiary, with the lands and buildings, tools and implements, and every other description of property pertaining thereto, and belonging to the Territory; and it shall be the duty of the Warden to superintend the internal police and discipline of the Penitentiary, as required by the general laws and the rules and the regulations prescribed by the Managers; to keep an account cur-

rent of all articles manufactured in the prison; he shall also classify the convicts in their labor, so far as it can conveniently be done, to see that proper food and clothing is supplied to them, and in case of sickness, to employ competent medical attendance, and in all things to have regard to their comfort and reformation. He shall also see that proper religious instruction is given to the convicts under the direction of the Managers, shall also have charge of the library of said Penitentiary, shall catalogue the books and see that proper care is taken of them.

SEC. 15. The Warden shall be the Treasurer of the Penitentiary, and shall receive and pay out all moneys for the support thereof, and shall take charge of and attend to the business and financial affairs of the institution, and shall cause to be kept, in suitable books, regular and complete accounts of all property, expenses, and income, business and concerns of the establishment; he shall keep a true account of all moneys received, and from what source, and shall have vouchers for all moneys disbursed. The books shall exhibit the profits and losses of each branch of business.

SEC. 16. All the books and documents relating to the institution shall be open and free to the examination of the Managers, or any of them, at all times.

Warden to give bond

SEC. 17. The Warden before entering upon the duties of his office shall give bond to the people of the Territory of Colorado, with good and sufficient security, to be approved by the Managers, in the sum of ten thousand dollars, conditioned that he will faithfully account for all moneys and effects which may come into his hands as Warden of the Penitentiary; such bond shall be filed in the office of the Auditor of the Territory, and shall be renewed every two years.

SEC. 18. The Guards, Turnkeys, and Overseers shall perform such duties in the charge and oversight of the Penitentiary, the care of the property

belonging thereto, and the custody, government, employment and discipline of the convicts, as shall be required of them by the Warden, the conformity to the law and the rules and regulations adopted for the government of the Penitentiary.

Report of the Warden.

SEC. 19. The Warden shall, as soon as may be after the first Monday in December in each year, cause to be made full and detailed accounts (to be closed on that day) of all the disbursements and expenses, and all receipts and profits of the Penitentiary, and of all moneys which have come to his hands, which accounts shall be examined and settled by the Managers, and shall be filed in the office of the Auditor and the same shall be reported to the Legislative Assembly at its regular session by the Managers with their report.

Relating to improvements of buildings and grounds

SEC. 20. The Managers shall decide what improvements shall be made in the Penitentiary, whether the same shall be enlarged, the erection or extension of the prison walls, the erection of work shops and other buildings and improvements, which improvements shall be made under the direction of the Warden upon the plans furnished him by the Managers, and he shall employ such number of convicts in making such improvements as he may deem advisable, and he shall employ the remainder of the convicts in such labor as may be most advantageous to the Territory; *Provided, however*, That he may classify the convicts, and if it shall be more to the interest of the Territory to hire out the labor of the convicts, to be worked under the superintendence of the Warden, he may hire such labor out.

SEC. 21. When the labor of any convict or convicts shall be hired out, the Warden shall enter upon a book a memorandum of the contract, which memorandum shall show the number of convicts hired, for how long, at what wages, the name of the convicts, and the name of the person to whom such labor is hired.

Persons to be received into prison.

SEC. 22. The Warden shall at all times receive into the Penitentiary, on order of the Governor, any person convicted of any crime punishable with death, who shall be pardoned on condition of being confined either for life or for a term of years in the Penitentiary, and shall confine such person according to the terms of such condition.

SEC. 23. The Managers created by this act are hereby authorized to receive from the proper authorities the Penitentiary now under the control of the United States, at Cañon City, upon the condition contained in the act of Congress, authorizing the department of justice to transfer the control of said Penitentiary to the Territorial authorities.

Library.

SEC. 24. That the sum of two hundred dollars is hereby appropriated out of any money in the Territorial treasury not otherwise appropriated, for the purpose of purchasing a library for said Penitentiary, and that the same so appropriated be expended under the direction of the Managers.

Approved February 13th, 1874.

AN ACT

Concerning Practice.

Be it enacted by the Council and House of Representatives of Colorado Territory, In all cases where final judgment shall be rendered against the appellant in the District or Supreme court, the same may, on motion of the appellee, be entered as well against the surety or sureties on the appeal bond as against the appellant, and execution may issue against them jointly. But in such case the surety should be discharged from such judgment if no execution be issued thereon within sixty (60) days after the rendition thereof, unless such surety consent to further delay, and this rule shall apply to bond given in certiorari cases.

Proceedings in cases where final judgment is rendered.

Appraisement.

SEC. 2. Hereafter before any delivery shall be had under a writ of replevin issued out of the District Court, it shall be the duty of the Sheriff to select three disinterested persons to appraise the value of the goods delivered. Before entering upon their work they shall take an oath faithfully to discharge their duties as such appraisers, and upon making the appraisement they shall lodge their report with the Sheriff, who shall file the same in the office of the Clerk of the Court from where the writ issued. And upon the plaintiff in replevin executing a bond in double the sum of the appraisement, with good and sufficient surety to be approved by the Sheriff, the Sheriff shall deliver the goods to said plaintiff, and appraisers shall be entitled to receive two dollars a day each for their services, to be paid in the first instance by the plaintiff, and the said plaintiff shall be allowed to have said amount so paid taxed among the costs of said suit and recover the same from the defendant.

Proceedings in actions of replevin.

SEC. 3. Hereafter in actions of replevin whenever a verdict or finding be rendered as found against a plaintiff, the value of the goods so taken by him may, if desired by the defendant or defendants, be assessed by the court or jury who tried said cause and also the damages sustained by reason of the failure to prosecute the said action with effect, and for the wrongful detention of the property, and the court shall allow interest on the sum representing the value of such property and the damages sustained. And if the defendant shall elect to take the value of the goods and the damages assessed in lieu of a return of the property, the judgment shall also be rendered against the sureties on the bond given in the plaintiff's behalf, for such sums so assessed, and costs; and execution shall issue against all with the like effect as if they had been parties to the suit.

SEC. 4. This act shall take effect from and after the first day of March, A. D. 1874.

Approved February 13th, 1874.

AN ACT

Concerning the Practice of the Courts

Be it enacted by the Council and House of Representatives of Colorado Territory, That upon the adjournment of any term of the Supreme Court, or of any District or Probate Court, all suits, writs, process, indictments, recognizances, and other proceedings not otherwise disposed of shall stand continued over until the next term of the court with like effect as if the same had been continued by order of the Court.

Approved February 13th, 1874.

AN ACT

Relating to Practice before a Justice of the Peace in the County of Las Animas in this Territory.

Applicable to Las Animas county

Be it enacted by the Council and House of Representatives of Colorado Territory: That at any time before any evidence is given in any suit before a Justice of the Peace in the county Las Animas, either party may demand to have the cause tried by a jury; whereupon it shall be the duty of the Justice to issue his writ, directed to any constable, commanding him to summon a jury of six men, or twelve, if a less be objected to, and the said jury shall be impaneled as soon as may be, the Justice adjourning the cause, if necessary, to any time not exceeding three (3) days, for that purpose. The jury, when impaneled shall be sworn by the Justice to try the cause according to the evidence, and the Justice shall enter judgment upon the verdict, according to the finding thereof.

SEC. 2. Previous to the commencement of any trial before a Justice of the Peace in said county of Las Animas, the defendant, his or her agent, may make oath that it is the belief of such deponent that the defendant cannot have a fair and impartial trial before such Justice, whereupon it shall be the duty of the Justice immediately to transmit all the papers and documents belonging to the suit to the nearest Justice of the Peace, who shall proceed as if the said suit had been instituted before him.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

Concerning Practice in Courts of Record.

Be it enacted by the Council and House of Representatives of Colorado Territory, Hereafter in actions on the case and in actions of trespass, the declaration of the plaintiff shall be held good if it show such facts as would constitute a good cause of action in either of said actions, and the defendant shall plead thereto, and the court shall make such order as to amendments in the form of such declaration as shall give effect to the substance of the allegations thereof, and may permit the writ to be amended accordingly.

Actions on notes and bills.

SEC. 2. In all actions in assumpsit, upon promissory notes and bills of exchange, the plaintiff may declare directly upon the instrument sued on.

Approved February 13th, 1874.

AN ACT

To Provide for the Printing of the Acts of the Legislative Assembly of Colorado Territory for the year 1874, in the Spanish Language.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the Secretary of the Territory be and he is hereby authorized to have published two hundred and fifty copies of the acts of the Legislative Assembly for the year 1874 in the Spanish language, for the use of those citizens of Colorado Territory who speak the Spanish language.

SEC. 2. That the laws so published shall be distributed by the Territorial Secretary as follows: To Costilla county, fifty copies; to Conejos county, fifty copies; to Las Animas county, fifty-five copies; to Saguache county, twenty copies; to Huerfano county, fifty copies; the remaining twenty-five copies to be retained by the Secretary for the future use of such members of the Legislative Assembly as speak the Spanish language.

Appropriation for printing.

SEC. 3. That there be, and there is hereby appropriated from the Territorial treasury, out of any moneys not otherwise appropriated, the sum of fifteen hundred dollars, or so much thereof as may be necessary to defray the expenses of publishing the said laws in the Spanish language.

SEC. 4. That the Auditor of the Territory be, and he is hereby authorized and directed, on the completion of said work, to audit and allow such account for such service, as shall have been approved by the Secretary of the Territory, and not exceeding the amount herein appropriated, and draw his warrants therefor upon the Treasurer.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To Amend Chapter seventy-one (71) of the Revised Statutes of Colorado Territory relating to the Probate Courts of Clear Creek, Park, Summit, Lake and Weld Counties.

Be it enacted by the Council and House of Representatives of Colorado Territory, The Probate Court of Clear Creek, Park, Summit, Lake [and] Weld counties, in this Territory, shall hereafter have concurrent jurisdiction with the District Courts of this Territory, in all actions, suits, and proceedings whatsoever, as well at law as in equity, when the debt or sum claimed shall not exceed the sum of two thousand dollars (2,000), and also in all suits and proceedings for the enforcement and foreclosure of miners' and mechanics' liens, when the amount for which any lien sought to be enforced shall not exceed the sum of two thousand dollars; and of all proceedings for the sale of the real estate of any ward on application of his or her guardian, as provided in chapter fifty-one of the Revised Statutes of this Territory. Jurisdiction extended.

SEC. 2. The terms of said Probate Court for business arising under provisions of this act and the acts to which this is amendatory, shall be commenced and held on the first Mondays of February, April, June, August, October and December of each year, and continue open until the business thereof shall be disposed of. Terms of court.

SEC. 3. In all cases in any of said Probate Courts where any interlocutory judgment shall be given in any action upon a penal bond, or upon any instrument of writing for payment of money only, and the damages rest in computation, the court may proceed to assess the damages and enter final judgment therefor, without writ of inquiry and without impaneling a jury for that purpose; and in all other cases where judgment shall be rendered or failure to plead Assessment of damages.

by default, the said court may hear the plaintiff's evidence and assess the damages without the intervention of a jury, unless a jury shall be demanded by either party, and may enter final judgment for the amount so assessed and found to be due. All issues of fact in said Probate Courts shall be tried by a jury of six men, unless both parties waive a trial by jury, in which case the same may be tried by the court. When it shall be necessary to try the issues, and a jury shall not be waived, the court may issue a venire for a sufficient number of jurors, directed to the Sheriff of the proper county, returnable forthwith, or at any other time to be designated by the court, not more than ten days after the date of such venire, and the cost of the issuance and service of such venire and the fees and the attendance of the jurors so summoned shall be charged to and paid by the proper county, and for every trial by jury, whether they agree upon a verdict or not, the court when rendering final judgment in such cause shall tax up as costs against whom the judgment is rendered, the sum of ten (10) dollars for every such trial, and the same shall be included as part of the costs in the judgment so rendered. And it shall be the duty of the court, if the same be not paid immediately, to issue execution for the same, if the same can be collected, and when collected the same shall be paid over by the Probate Judge to the County Treasurer of the proper county, who shall give a receipt for the same.

When a jury may be summoned.

Costs.

SEC. 4. If at any time before the calling of the cause for trial, and before any venire shall have issued, either party shall demand a trial by a jury of twelve (12) men, a jury of twelve (12) men shall be summoned and impaneled, but the party demanding the same shall be required to advance and pay into said court the sum of twenty dollars at the time of making such demand, and the money so

When a jury of twelve shall be summoned

paid shall be paid by the said Probate Judge to the Treasurer of the proper county as aforesaid; and if the party demanding a jury of twelve (12) men shall recover judgment against the opposite party, he shall be entitled to recover as part of his costs the said sum of twenty dollars, but in no case shall the said County Treasurer be required to repay or refund the same. And the fees of said jurors and the expense of summoning the same, shall be charged to and paid by the proper county.

Challenges.

SEC. 5. Each party shall be entitled to peremptorily challenge three jurors and no more; *Provided*, That when there shall be more than one person plaintiff or defendant, or both, this section shall not be so construed as to allow each person to peremptorily challenge three jurors; but it shall be so construed that no more than three peremptory challenges shall be allowed to each side.

SEC. 6. Chapter nineteen (19) of the Revised Statutes of Colorado so far as this is applicable shall be deemed and held to apply to said Probate Courts.

Appeals.

SEC. 7. All appeals from Justices of the Peace and from the police courts of Clear Creek county shall be allowed and taken to the Probate Court of said county in like manner and under same regulations and restrictions as provided by law for taking appeals to the District Courts of this Territory. And all cases so appealed shall be heard and determined in like manner as in the District Court, and all appeal bonds shall be conditioned the same as appeal bonds required in cases heretofore appealed to the District Court. In no case shall appeals be taken to the District Court except when the Probate Judge shall be a party. The Probate Judge of said county shall not have jurisdiction as a Justice of the Peace, but in all cases when judgments heretofore rendered by said Probate Judge acting as Justice of the Peace, and such judgments have not been satisfied, the Probate Judge of said county may issue executions in

such cases heretofore allowed by law. Appeals and writs of error shall be allowed and taken from the judgment of said Probate Courts to the Supreme Court of this Territory; only such appeals to be prayed for within three days after the rendition of judgment. It shall be the duty of the Court to fix the amount of the appeal bond, the time within which it shall be filed; also fix the time for signing and filing bill of exceptions. Said appeal bonds shall be conditional [conditioned] as near as may be the same as appeal bonds required in cases appealed from District Courts.

SEC. 8. That sections forty-one to forty-eight inclusive, of said chapter seventy-one of the Revised Statutes, and so much of an act entitled "An act concerning Probate Courts," approved January 31, 1872, as authorizes appeals to the District Courts, and also so much of an act entitled "An act to amend chapter thirty-five, Revised Statutes, concerning forcible entry and detainer," approved January 31, 1872, as allows appeals from Probate to District Courts, shall not be applicable to the Probate Court of Clear Creek county.

Trial of forcible entry and detainer

SEC. 9. That upon the trial of any cause of forcible entry and detainer, and unlawful detainer, said Court shall be governed by the rules of practice of the District Courts, and said Court shall be deemed and held to be open at all times for the trial of causes of forcible entry and detainer, and unlawful detainer; *Provided*, the complainant shall have caused the summons issued to be served upon the defendant, or defendants, at least ten days prior to the return day thereof.

SEC. 10. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 11. This act to take effect and be in force from the first day of March, A. D. 1874.

Approved February 13th, 1874.

AN ACT

Concerning the Probate Court of Arapahoe County.

Be it enacted by the Council and House of Representatives of Colorado Territory, The Probate Court of the County of Arapahoe in this Territory shall hereafter have and exercise all the jurisdiction now conferred by law on the several District Courts of this Territory as provided in chapter twenty-six of the Revised Statutes of this Territory; *Provided*, The said Probate Court shall not have or exercise jurisdiction over any suit or proceeding for a divorce wherein the amount claimed as alimony shall exceed the sum of two thousand dollars. Increase of jurisdiction

SEC. 2. The provisions of an act entitled "An act concerning Probate Courts," approved January 31, 1872, shall not hereafter be applicable to the Probate Court of the said County of Arapahoe.

SEC. 3. All writs of error issuing from the Supreme Court of said Territory to the said Probate Court shall operate as a supersedeas upon the party prosecuting the same, giving bond in the manner hereinafter provided, with surety to be approved by the Clerk of the Supreme Court, and be filed in his office.

SEC. 4. If the judgment complained of in said Probate Court be for the payment of money, the party desiring to give bond as provided in section three of this act, and to prosecute a writ of error operating as a supersedeas, shall execute a bond in double the amount of the judgment and costs, conditioned for the prosecution of such writ with effect and without delay, and for the payment of the judgment in case the same shall be affirmed, and all the costs which have accrued or may accrue in such suit or proceeding. If the judgment shall not be for the payment of money, the bond shall be in such sum as may be fixed by the Probate Court, and be conditioned for the prosecution of such writ to effect and without Judgments

delay, and for the payment of all damages which may be occasioned to the opposite party by reason thereof, in case the same should be affirmed.

SEC. 5. When bond shall be given as provided in sections three and four of this act, the Clerk of the Supreme Court at the time of the issuing of the writ of error shall indorse a memorandum thereof on the writ, and that it shall operate as a supersedeas.

SEC. 6. The party executing bond as aforesaid shall at the time thereof, for the better information of the Clerk of the Supreme Court, procure from the Judge or Clerk of such Probate Court a certified statement of judgment, on which the writ of error is prosecuted, and in case the judgment be not for payment of money, a statement of the order fixing the amount of the appeal bond.

SEC. 7. The said Probate Court may, by its order in term time, fix any time out of term for the filing of bills of exceptions.

Terms

SEC. 8. There shall hereafter be six terms of the said Probate Court during each year, commencing on the first Monday of the months of January, March, June, July, September and December.

Service and return of process

SEC. 9. All causes and proceedings pending or brought in said court, in which process has been issued prior to the taking effect of this act, and returnable to any term of said court as now provided for, shall be deemed and held pending in said court at the term thereof next ensuing the taking effect of this act, as though no change in the time of holding the terms of said court had taken place, and all such process issued before the taking effect of this act and then not returned shall be deemed and held returnable to the next ensuing term of said court as herein provided; *Provided*, That in suits commenced by attachment in said court, when the writ in such case shall have been made returnable to any term of said court as now provided by law and shall not have

been served prior to the taking effect of this act, a new writ may be issued and in case of no service thereof, publication may be made notifying the parties defendant of the pending of such suit and of the term to which the writ therein issued is made returnable, as though no change in such terms had taken place, which notice shall be published in all respects as required by existing laws in attachment cases.

SEC. 10. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved February 13, 1874.

AN ACT

Concerning the Probate Courts of Boulder County.

Be it enacted by the Council and House of Representatives of Colorado Territory, That there shall be six terms of the Probate Court in the county of Boulder, in this Territory, in each year, commencing on the second Mondays in the months of February, April, June, August, October and December of each year, and said terms shall continue open until the business thereof shall be disposed of; said court shall remain open at all times during business hours for the transaction of business relating to the estates of deceased persons.

SEC. 2. All causes, issues, and proceedings, instituted, pending, or brought in said Probate Court, in which process has been issued, prior to the passage of this act, returnable to any term of court, as provided by existing laws, shall be deemed and held to be pending in said court at the term in this act next succeeding the term to which such process shall have been made returnable, and such process shall

Causes pending prior to passage of this act.

be deemed and held to be returnable to the term of such court provided in this act, next succeeding the term to which such process has been made returnable.

SEC. 3. The provisions of the Act entitled "An Act to amend chapter seventy-one (71) of the Revised Statutes of Colorado Territory," approved February 9th, 1870, except section three (3) be, and the same are hereby extended, and made applicable to the Probate Court in the county of Boulder, in this Territory.

SEC. 4. The Probate Judge of said Boulder county is authorized and allowed, whenever he shall deem it necessary, to appoint his own Clerk of said Probate Court, who may receive the fees allowed by law for such services.

SEC. 5. This act shall take effect and be in force on and after its passage and approval.

Approved February 13th, 1874.

AN ACT

To Amend An Act entitled "An Act Concerning Probate Courts," approved January 31, 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory, That section one (1) of an Act entitled "An Act concerning Probate Courts, approved January 31, 1872, be and the same is hereby repealed.

Jurisdiction of court extended

SEC. 2. That the following shall be inserted in lieu of said section one (1) of said act: "Hereafter the Probate Courts of the counties of Pueblo and Bent shall have jurisdiction in all actions and proceedings at law brought for the recovery of money, not exceeding two thousand dollars, and in all actions, suits, and proceedings at law, brought for the recovery of or concerning property, real or personal, not exceeding two thousand dollars in value.

Approved February 13, 1874.

AN ACT

Concerning the Probate Court of Gilpin County.

Be it enacted by the Council and House of Representatives of Colorado Territory, That hereafter the Probate Court of Gilpin County shall have and may exercise jurisdiction in all suits at law wherein the debt or sum claimed shall not exceed the sum of two thousand dollars. Increase of jurisdiction.

SEC. 2. There shall be three (3) terms of said court in each year, commencing on the first Mondays in the months of February, June, and December in each year.

SEC. 3. No petit jury shall be summoned to attend the terms of said Probate Court as provided in relation to the District Court, but in all cases in said Probate Court if either party shall demand a jury, the Judge of such Court shall issue a *venire* for a jury, and a jury shall be summoned as in cases before Justices of the Peace. When a jury shall be summoned

SEC. 4. All process issued by or out of said Probate Court shall be directed to the Sheriff of said county, and shall in all other respects be regulated by the law respecting the issuing of process from District Courts.

SEC. 5. Officers shall receive the same fees for serving process issued out of said Probate Court, as if the same were issued out of the District Court of said county, and jurors and witnesses shall receive the same fees for attending upon said court as for attending upon the District Court of said county. Fees of officers.

SEC. 6. Appeals and writs of error shall be allowed and may be taken and prosecuted from the final judgments and decisions of said Probate Court to the Supreme Court of this Territory, in like manner and under the same restrictions, regulations and provisions of law as in cases determined in the District Courts of this Territory. Appeals and writs of error

Judge's fees.

SEC. 7. The Judge of said Court shall be entitled to the same fees as now allowed by law for similar services to the Clerks of the District Courts.

SEC. 8. This act shall take effect and be in force from and after the first day of March, A. D. 1874.

Approved February 13th, 1874.

AN ACT

Concerning the Probate Courts of the Counties of El Paso and Larimer.

Terms

Be it enacted by the Council and House of Representatives of Colorado Territory, That hereafter the Probate Courts of the said counties of El Paso and Larimer shall be commenced on the second Mondays in the months of February, April, June, August, October and December, in each year.

Relating to causes pending prior to passage of this act

SEC. 2. All causes, actions, and proceedings, heretofore brought and now pending in said courts, or either of them, in which process have been issued prior to the passage of this act returnable to any term of court as provided by existing law, shall be deemed and held to be pending in such courts at the time provided in this act next succeeding the term to which such process shall have been made returnable, and such process shall be deemed and held returnable to the term of such courts provided in this act, next succeeding the term to which the same has been made returnable.

SEC. 3. All acts or parts of acts inconsistent with this act be, and the same are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved February 9th, 1874.

AN ACT

Concerning the Probate Court of Jefferson County.

Be it enacted by the Council and House of Representatives of Colorado Territory, The terms of the Probate Court of Jefferson County, in this Territory, shall hereafter be begun and held on the first Monday of March, June, September, and December, respectively, instead of as now provided by law. Terms

SEC. 2. This act shall take effect from and after its passage.

Approved January 30th, 1874.

AN ACT

Concerning Railroad Crossings.

Be it enacted by the Council and House of Representatives of Colorado Territory: In all cases where two railroads shall cross each other, every train on approaching such crossing shall come to a full stop immediately before it reaches such crossing, and shall cross such track at a speed not exceeding four miles per hour. Trains to stop at crossings

SEC. 2. Any and every engineer, conductor, or other person, having charge of and running any locomotive or train on any such railroad, who shall violate section 1, of this Act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not less than fifty (50) nor more than two hundred (200) dollars for each offense. Penalty for violation of this act

SEC. 3. Whenever any railroad company in this Territory shall have constructed its track, and it shall be necessary for any other company to cross the same with its track, it shall be lawful for such company to do so at any suitable place, so as not to obstruct such track already constructed, and if the Right of way

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parties cannot agree as to the right of way and damages for such crossing, the company desiring to cross may proceed to secure the right of way for such crossing only by condemnation in the same manner as provided in other cases.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 9th, 1874.

AN ACT

Concerning Railroads.

Right of way.

Be it enacted by the Council and House of Representatives of Colorado Territory, That any railroad company, having located its line of road, whether the same is completed or not, may make a new location of its line, and may acquire the right of way for such new line, in the same manner as is now provided for acquiring the right of way by the statutes of Colorado. *Provided*, That in acquiring said new right of way, the previous right of way shall revert to the owner or owners of the land through which said previous right of way was granted, on the payment or tendering payment to the railroad company the amount assessed by the board of appraisers and paid by said railroad company for said previous right of way.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To Prevent Fires on the Prairies.

Be it enacted by the Council and House of Representatives of Colorado Territory: That every railroad corporation operating its line of road or any part

thereof within this Territory, shall, between the fifteenth day of July and the first day of October of each and every year, upon each side of its line of road plough as a fire guard a continuous strip of not less than six feet in width, which said strip of land shall run parallel with said line of railroad, and be ploughed in such good and workmanlike manner as to effectually destroy and cover up the vegetation thereon and be sufficient to prevent the spread of fires, and the outer line of said strip of ploughed land shall be upon the outer line of such corporation's right of way, or if upon land owned by said corporation, one hundred feet on either side from the center of the road; *Provided*, that such fire guard need not be constructed within the limits of any town or city, nor along the line of a railroad running through the mountains, or over other lands where ploughing would be impracticable.

Fire guards provided for

SEC. 2. Any railroad company failing to comply with the provisions of section one of this act, shall be liable to pay a penalty of two hundred dollars for each and every mile or fractional part thereof, of such strip of land as it neglects to plough upon either side of the line of its road in this Territory, in each and every year as aforesaid, the same to be collected in an action of debt in any court of complaint [competent] jurisdiction, in the name of the people of the Territory of Colorado, and when collected it shall be paid into the school fund of the county wherein the cause of action accrued, and *provided* that the said action shall be brought within three years next after it accrues.

Penalty of failure to comply with provisions of this act.

SEC. 3. That every railroad corporation operating its line of road or any part thereof within this Territory shall be liable for all damages by fire that is set out or caused by operating any such line of road or any part thereof, and such damages may be recovered by the party damaged by the proper action

Railroad companies liable for all damages by fires.

in any court of competent jurisdiction; *Provided*, the said action be brought by the party injured within three years next after the said damage shall have been inflicted or caused.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved January 13th, 1874.

AN ACT

To Amend an Act entitled "An Act to Amend chapter nine of the Revised Statutes, and for other purposes," approved February 9th, A D, 1872

Levy for 1874 and 1875.

Be it enacted by the Council and House of Representatives of Colorado Territory, That for the year A. D., 1874, there shall be levied and assessed upon all taxable property, real and personal, in the Territory, a tax for Territorial purposes, of one and one-half (1½) mills on the dollar; and for the year A. D., 1875, a tax of one-half (½) mill on the dollar. *Provided*, That the Territorial Board of Equalization may increase or diminish the same if necessary.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved February 13th, 1874

AN ACT

To Amend "An Act to Provide for the Assessment and Collection of Revenue," approved February 11, 1870.

Be it enacted by the Council and House of Representatives of Colorado Territory, That section four of an act to provide for the assessment and collection of revenue, approved February 11, 1870, be amended by adding to said section the following: "And

also all buildings, fixtures and improvements made or owned by any person or persons upon public land in cases where such buildings, fixtures and improvements would be part of the real estate if the owner thereof had the fee simple estate in such land.

SEC. 2. That section five of said act be amended by striking out of said section the following words "and upon other public lands."

SEC. 3. That section sixty-two of said act be amended by striking out all of said section after the word "lots" in the first line thereof and inserting in lieu thereof the following: "And all the buildings, fixtures and improvements on public lands, and all the interest or title which any person or persons owning or claiming such improvements may have in the land upon which the same are made, on which the taxes shall not have been paid before the first day of January in each year, shall be subject to sale as hereinafter provided for the sale of lands for taxes

Section 62 amended

Approved February 13th, 1874.

AN ACT

Concerning the Collection of Taxes.

Be it enacted by the Council and House of Representatives of Colorado Territory, Hereafter it shall not be incumbent on the Treasurer of any county to visit the various precincts in his county for the purpose of collecting taxes, unless the same cannot otherwise be collected; *Provided*, that the provisions of this act shall not apply to the counties of Weld, Larimer, Costilla and Conejos.

Approved February 9th, 1874.

AN ACT

To Amend Chapter Seventy-Six of the Revised Statutes.

Be it enacted by the Council and House of Representatives of Colorado Territory, That section five of said chapter is hereby repealed, and the following is substituted therefor. "All roads shall be considered public highways, which have been or may hereafter be declared Territorial roads by act of the Legislative Assembly, or which have been or may be declared public roads by the Board of County Commissioners of any county within such county, or which have been or shall hereafter be used and traveled by the public, for the period of ten years.

SEC. 2. That section six of said chapter be and the same is hereby amended by adding after the word "Commissioners," in the 8th line of said section, the words "Not exceeding twenty dollars."

SEC. 3. That section seven of said chapter be and and the same is hereby amended by striking out all after the word "Commissioners," in the eleventh line, and before the word "any" in the fifteenth line, and inserting in lieu thereof the following: "Such warrant shall be served by delivering a copy thereof to each of the viewers named therein, and shall be served by one of the petitioners to be designated by the Commissioners, at his own expense, as provided in section six as to land owner, and the person so serving such notice shall return the original to the County Clerk, with an affidavit of such service endorsed thereon."

Damage accruing from opening of roads—how adjusted.

SEC. 4. That section twelve (12) of said chapter be stricken out and the following inserted in lieu thereof, to wit: Whenever in any case the damages accruing to any person by reason of the opening of such road shall exceed the benefits accruing to such report of the viewers, the excess shall be paid by the county by an order therefor issued upon the County

Treasurer by the County Commissioners, to be paid out of any money in his hands belonging to the road fund, but the County Commissioners may require each of the petitioners to contribute five dollars thereto; and when so required the same may be collected before any Justice of the Peace in an action of assumpsit in the name of the Board of County Commissioners.

Section thirteen amended

SEC. 5. That section 13 be and the same is amended by adding the following words: And in not less than four months thereafter by an order of the County Commissioners to that effect, the same shall be open and free to public travel.

Petitions for highways

SEC. 6. Whenever petition shall be presented to the Board of County Commissioners of any county of this Territory, praying for a public highway, and the names of all the owners of all the land through which such road is to be laid out, shall be signed by the owners thereof to said petition, giving the right of way through the lands, and accompanied by a plat of the road, it shall be the duty of the Board of County Commissioners to declare the same a public highway, and thereupon the plat shall be filed and recorded, and said road shall become a public highway.

SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved February 13th, 1874.

AN ACT.

To Provide for Issuing Bonds in Aid of the Construction of Wagon Roads.

Bonds and rate of interest

Be it enacted by the Council and House of Representatives of Colorado Territory, That it shall be lawful for the inhabitants of any town or village in this Territory, incorporated under the provisions of chapter

eighty-four (84) of the Revised Statutes of Colorado Territory, to subscribe to the capital stock of any organized wagon-road company whose operations shall be carried on in the county in which such town or village may be situated, and issue the bonds of such town or village in payment of such subscription, such bonds to run for a term of not less than ten years, and bear eight per cent. interest per annum, with interest coupons attached thereto, payable annually. The proceeds of such bonds to be applied in aid of the construction of such wagon-road. Such subscription shall be made by the President of the Board of Trustees of such town or village, and the bonds shall be signed by him in the name and for the use of such town or village.

Election to be ordered when

SEC. 2. No such bonds shall be issued unless application, in writing, shall be made to the President of the Board of Trustees of such town or village, signed by at least fifty of the legal voters of said town or village for the approval of such subscription and issue of bonds, and upon the filing of such application with the President of the Board of Trustees of such town or village, it shall be the duty of the said President, within five days, to order an election to approve or reject such subscription, and authorize the issue of such bonds; public notice of such election shall be given at least ten days, by posting up a written notice of the time, place, and object of such election in five (5) of the most public places in said town or village; such election shall be held, conducted, and the votes returned and canvassed, in the same manner as is done in town elections. *Provided*, however, that a registration of the vote in such town or village shall not be required. If, upon a canvass of the votes at such election, it shall be found that a majority of all the votes cast are in favor of such subscription of stock, and issue of bonds, then it shall be the duty of the President of the Board of

Trustees of such town or village, to subscribe to the stock of the company to be aided, and to issue said bonds as soon as practicable. Whenever the Board of Trustees of said town or village may deem it expedient to sell or transfer such stock in liquidation and redeem such bonds, the proceeds of sale of such stock shall be exclusively applied to purchase, liquidate, or redeem such bonds and interest thereon. Of the sale and transfer of stock.

SEC. 3. Whenever any town or village shall have voted any aid to any wagon-road company, as contemplated by this act, the inhabitants thereof shall be exempt from taxation for any similar purpose voted by the county at large, unless the amount voted by such county shall be as great in proportion to the assessed valuation of the property of such county outside of the limits of such town or village, as the amount voted by such town or village is upon the assessed value of the property of such town or village, in which case the said town or village shall pay their proper proportion upon such excess.

SEC. 4. This act shall not be in force save in the counties of Fremont and Pueblo.

SEC. 5. This act shall be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To amend an act entitled "Roads and Highways."

Be it enacted by the Council and House of Representatives of Colorado Territory, That section twenty-five of chapter seventy-six entitled "Roads and Highways," of the Revised Statutes of Colorado, be and the same is hereby repealed. Repeal.

SEC. 2. That in lieu of said section above repeated [repealed] the following shall be inserted, and shall hereafter be construed as section twenty-five (25) of Bridges to be built by contract—when

said chapter, viz: When any bridge is to be built the estimated cost of which shall exceed one hundred dollars, the work shall be given out by contract, and the Board of County Commissioners shall advertise for sealed proposals for doing the same, in some newspaper published in the county, for a period not less than ten days; *Provided*, If there be no newspaper published in the county where such bridge is to be built, the Board of County Commissioners shall cause to be posted up in five of the most public places in said county, such advertisement, the same to be posted up at least ten days before such contract shall be let. Such advertisements shall describe the bridge to be built, its location, and shall refer all persons to the person, or persons, holding the plans therefor; and such contract so to be let, shall be awarded to the lowest responsible bidder.

SEC. 3. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 9th, 1874.

AN ACT.

To Establish a Territorial Road in Huerfano County.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the most usual traveled road between B. T. Howard's ranch, in the county of Huerfano, by way of St. Mary's, thence southwest through the ranch of Hamilton Brothers on the North Beyta, and thence to the mouth of the South Beyta cañon, is hereby declared to be a Territorial road.

SEC. 2. The road owners of the different road districts through which the road passes shall have power to straighten out and work said road on the

most suitable places to make it a good road. *Provided*, That the said alterations shall not conflict with the prior rights of individuals.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

Regulating the Pay of Road Overseers in Weld and Larimer Counties.

Be it enacted by the Council and House of Representatives of Colorado Territory, The road overseers of Weld and Larimer counties shall receive for their services, while in actual employment, the sum of three (3) dollars, and no more, for each day so employed.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed in so far as they are inconsistent herewith.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To Legalize the Roads and Highways of Boulder, Douglas, Las Animas, Weld, Larimer, Jefferson, Arapahoe, El Paso, Lake, Costilla, Bent, Pueblo and Huerfano Counties, established by order of the County Commissioners of said Counties.

Be it enacted by the Council and House of Representatives of Colorado Territory, That all roads and highways heretofore established by order of the several Boards of County Commissioners of Boulder, Douglas, Las Animas, Weld, Larimer, Jefferson,

Arapahoe, El Paso, Lake, Costilla, Bent, Pueblo and Huerfano Counties, be, and the same are hereby legalized, confirmed, and made valid, and all official acts of said County Commissioners in establishing the roads shall be legal and binding to all intents and purposes. *Provided*, That the provisions of this section shall not be so construed as to prevent parties injured by the establishment of said roads from having the same remedies as heretofore.

Acts of Commissioners legalized

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 12th, 1874.

AN ACT

To repeal "An act to incorporate the Ni-Wot and Black Hawk Wagon Road Company."

Be it enacted by the Council and House of Representatives of Colorado Territory, That an act entitled "An act to incorporate the Ni-Wot and Black Hawk Wagon Road Company," approved February 6, A. D. 1866, be and the same is hereby repealed.

SEC 2. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

For the Support and Better Regulation of the Public Schools of the City of Denver.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the school district now known and designated as School District No. 1, including that portion of the City of Denver, and the surrounding territory within the boundaries

designated and established by the County Superintendent of Common Schools for the County of Arapahoe, and which appears upon the record of said County Superintendent.

Choosing directors

SEC. 2. There shall be chosen on the first Monday in May, 1874, six Directors of the Public Schools of said District No. 1, who shall be residents of said district at the time of said election; three of whom shall serve for the term of one year, and three for the term of two years, and until their successors shall be elected and qualified, and at every annual election thereafter there shall be elected three Directors who shall hold their office for the term of two years and until their successors shall be elected and qualified. Should any vacancy occur in said Board by reason of death, resignation, or otherwise, the Board of Education of said district shall fill such vacancy until the next ensuing election.

Persons entitled to vote

SEC. 3. Any elector within the boundaries of School District No. 1, who is qualified to vote at the county election of Arapahoe county, shall be entitled to vote for Directors of School District No. 1.

SEC. 4. At the first election to be held for Directors, under the provisions of this act, such elector shall state upon his ballot the name of the persons who shall serve for the term of one year, and the names of the persons who shall serve for the term of two years, as Directors of the Public Schools of District No. 1.

Organization of the board

SEC. 5. The School Directors, within ten days after their election as aforesaid, shall meet and organize by choosing from their number a President and Secretary and Treasurer, who shall serve for the term of one year from the date of their election and until their successors are elected and qualified, and said Directors so organized and qualified, and their successors in office, shall be a body politic and corporate in law, and be known and designated as the "Board of Education of School District No. One (1),"

and as such, and by such name shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court of law and equity in this Territory, and shall also be capable of receiving any gift, grant, donation, or devise, made for the use of the Public Schools of said district.

The President

SEC. 6. The President shall preside at all the meetings of the Board when present, preserve order and decorum, sign all orders on the Treasurer, and appoint such committees from time to time as he may deem necessary to facilitate the business of the Board.

Secretary

SEC. 7. The Secretary shall keep a fair and correct record of the proceedings of the Board at their regular and called meetings; make all reports required by law to be made by Secretaries of District Boards; to make all necessary reports to the Board of Education, and to perform such other duties as may be prescribed by the Board, and shall receive such compensation for his services, as may be deemed proper by the Board.

Treasurer.

SEC. 8. It shall be the duty of the Treasurer to take charge of all moneys belonging to the District, to pay out the same upon the order of the President, directed by the Board of Education, said orders being countersigned by the Secretary; he shall keep an account of the receipts and expenditures thereof in a book provided for such purpose; he shall render a statement of the finances of the District, as shown by the records of his office, at any time when required by the Board, and shall give bond for the faithful performance of the duties of his office, in the sum of ————, with such sureties as the Board may approve.

Superintendent

SEC. 9. The Board of Education shall, within twenty days after their election, appoint one competent person, who is a citizen of the city of Denver,

to serve as Superintendent of Schools for School District No. 1, for the term of one (1) year from the time of his appointment, and until his successor shall be appointed and qualified. Said Superintendent shall have an oversight of all the Public Schools within the boundaries of District No. 1, and shall perform such duties as may be prescribed by the Board of Education. For his services as such Superintendent, he shall receive a stated salary per annum, as may be determined by the Board.

Examination of teachers

SEC. 10. Said Superintendent shall examine any person that may apply with the intention of becoming a teacher in any of the schools of said District, and if he finds the applicant qualified to teach and to govern in any of said schools, and to possess a good moral character, said Superintendent shall give the applicant a certificate, naming the branches which the holder of said certificate is qualified to teach; he shall state in the certificate the period of time for which it shall be valid, which period shall not be less than six months, nor more than one year; and no person shall be permitted to teach in any of the public schools of said District without said certificate; said Superintendent shall have power to annul such certificate by and with the concurrence of a majority of the Board of Education, and when such certificate is so annulled, the person holding the same shall be discharged as a teacher in said schools. Said Superintendent shall, also, under the direction of the Board of Education, visit the schools, observe the discipline, mode of teaching, progress of the pupils, and such other matters as he may deem of interest, and report thereon to the Board of Education at their regular meetings.

Meetings

SEC. 11. The Board of Education shall hold their regular meetings monthly, and may make such rules of order for their government as they may deem expedient, and change the same from time to time as occasion may require. Special meetings may be called

by the President, or by any two members of the Board; but at no special meeting shall any business be transacted excepting that for which the meeting was called. A majority of the Board shall constitute a quorum for the transaction of business.

Board to have entire control of schools

SEC. 12. The Board of Education shall have the entire control and management of all the public schools of District No. 1, and of all the houses and lands, and appurtenances already provided and set apart for the public school purposes, together with those hereafter to be provided for the same purpose in said District; they shall have power to make and enforce all necessary rules and regulations for the government of teachers and pupils in said schools; to employ all teachers; to purchase necessary books, and apparatus; to select sites for school houses; to superintend the building of school houses upon their own plan; to fix the salary of the Superintendent, the Secretary and teachers; to hire or purchase buildings suitable for school houses and keep the same in repair; to pay for the lands, houses, and necessary furniture, and all other necessary expenses of the schools, out of the school fund in the hands of the Treasurer; they shall determine what branches of education shall be taught, in any and all of the schools within the district, and shall also have power to admit scholars from beyond the limits of the district, upon such terms and conditions as they may prescribe.

Titles to property vested in board

SEC. 13. All legal titles to lands and houses, and other property used for public school purposes in said School District No. 1, shall vest in the Board of Education, at the taking effect of this act, and all titles acquired thereafter, shall be in the name of the Board of Education of School District No. 1, and said Board shall have power to sell, lease and convey, any and all of the lands and tenements held under and by virtue of this act, and to purchase other lands and tenements in more eligible positions.

Levy of special taxes.

SEC. 14. The Board of Education shall have power to levy a special tax upon the taxable property of the district, for the purpose of building school houses in any part of the School District, whenever they may deem expedient. *Provided, however*, that such special tax shall not exceed, in any one year, the sum of three mills on the dollar of such taxable property; *provided, also*, that no levy of such tax shall be made except by a majority of two-thirds of the members of the Board. Said tax, when levied, shall be collected by the County Collector, at the same time and in the same manner as the county taxes, and when collected, it shall be paid over to the Treasurer of the Board of Education, and shall be designated "The School Fund." The Board of Education shall direct, by resolution, the payment of said funds, and no money shall be paid out of such fund, except in pursuance of such resolution, and on the written order of the President of the Board of Education, countersigned by the Secretary.

SEC. 15. All that portion of "An act to Provide for Common Schools," approved February 11th, 1870, or any amendments thereto, and so much or any and all other laws of this Territory as may be inconsistent, or that may conflict with this act, or any of its provisions, are hereby repealed, as to School District No. 1.

SEC. 16. Any school district contiguous to or adjoining School District No. 1 of the County of Arapahoe, may become attached thereto, at any time after the expiration of one year from the passage of this act, by a vote of the majority of the legal voters of any such school district, under such arrangements as may be made with the Board of Education of School District No. 1.

SEC. 17. This act to take effect and be in full force from and after the first day of May, 1874.

Approved February 13th, 1874.

AN ACT

To amend Section One (1) of an Act Concerning Common Schools, approved January 29th, A. D. 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory, That section one of an act entitled "An act Concerning School Bonds," approved January 29th, 1872, be amended by adding after the word "county," being the last word in section one (1) of said act, the words "or the interest on said bonds to be made payable in the city of New York, at the option of the holders thereof."

SEC. 2. This Act shall be in full force from and after its passage.

Approved January 31st, 1874.

AN ACT

To amend "An Act Concerning School Bonds," approved January 29th, 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory, That section eight (8) of said act is hereby amended by striking out the word "Pueblo" in said section, so as to make the provisions of said act applicable to the said County of Pueblo.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved February 3d, 1874.

AN ACT

To amend an Act entitled "An Act Concerning School Bonds."

Be it enacted by the Council and House of Representatives of Colorado Territory, That section three of an act entitled "An Act Concerning School Bonds," approved January 29th, 1872, be and the same is hereby repealed.

Repealed.

SEC. 2. That in lieu of said section above repealed the following shall be inserted, namely:

Substitute therefor, providing for issue of bonds, levy of tax for interest, sale of bonds, etc

Whenever any school district shall issue bonds under the provisions of this act it shall be the duty of the Board of Directors of such school district to order, levy and assess a special tax on all the taxable property of such district, in amount sufficient to pay the interest coupons thereon when the same shall become due according to their tenor and effect, and for the purpose of collecting and disbursing such fund, and such Board shall certify such levy to the Treasurer of the county, who shall collect the same as other taxes are collected, keeping the same separate from other funds received by him, and if there shall be any surplus after paying expenses of collecting such special tax, the Treasurer shall, without delay pay the same to the Treasurer of such school district, and such fund so paid to the Treasurer of the district shall be subject to the disposal of the Board of Directors, and after the expiration of five years next after the issue of such bonds, such school district shall provide by taxation and shall collect at least ten per centum and not more than twenty per centum of the principal of such bonds, such amount to be deposited as a sinking fund, and shall be assessed and collected the same as the tax for the payment of the interest coupons, and when collected shall be turned over to the Treasurer of such school district. Such money to be only used in the payment of such bonds as follows: That when the Treasurer of such school district shall receive such fund from the County Treasurer, it shall be his duty to go into the market and at the smallest price he can obtain such bonds, shall use such fund in the retiring of such bonds to the extent of such fund. Such bonds when so retired, shall be cancelled by the Board according to law.

Retiring of bonds.

SEC. 3. This act shall take effect from and after its passage.

Approved February 13, 1874.

AN ACT

To Amend an Act entitled "An Act Concerning School Bonds," approved January 29th, A. D., 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory, That section eight of an act entitled "An Act concerning School Bonds," approved January 29th, 1872, be amended by striking out the word "El Paso."

SEC. 2. This act to take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To repeal an Act to Contribute to the Support of a School Journal for Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the Act entitled "An Act to Contribute to the Support of a School Journal for Colorado Territory," approved February 8, 1872, be, and the same is hereby, repealed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved February 9th, 1874

AN ACT

To Establish a School of Mines, at or near Golden, Jefferson County, Colorado.

Be it enacted by the Council and House of Representatives of Colorado Territory, That there shall be established at, or near, Golden, in the County of Jefferson, a School of Mines, to be under the control and management of the Territory of Colorado, as shall be hereinafter designated.

Declared a body corporate

SEC. 2. Such School of Mines is hereby declared a body corporate, and may sue and be sued; may take and hold real estate by gift, bequest, devise or purchase, and may, if not needed for such School of Mines, sell and dispose of the same.

Object

SEC. 3. It shall be the object of such School of Mines to furnish facilities for the education of such persons as may desire to receive special instruction in chemistry, Metallurgy, mineralogy, mining, mining engeering, mathematics and mechanics.

Trustees and their classification

SEC. 4. There shall be seven Trustees, namely: W. A. H. Loveland, Alpheus Wright, N. P. Hill, W. W. Ware, C. C. Davis, J. Marshall Paul and Wm. Amsbary, who shall compose the Board of Trustees of said School of Mines, and said Trustees shall, on or before the first (1) day of June, 1874, meet at Golden and organize as a Board of Trustees, with one of their number as President of the Board, and shall then proceed to divide, by lot or otherwise, themselves into three classes, the first class shall consist of two, and hold their offices for two years; the second class shall consist of two, and hold office for four years, and the third class shall consist of three, and hold office for six years.

Empowered to erect buildings and make laws.

SEC. 5. The Board of Trustees are authorized to erect suitable buildings for such School of Mines, to procure such machinery and other appliances as may be necessary and requisite to carry out the intention

of this Act, out of any moneys that may be appropriated for that purpose. The Board of Trustees may make all needful by-laws and regulations for the government of said Board and for the management and government of said School of Mines, not inconsistent with the Organic Act and laws of this Territory.

SEC. 6. The School of Mines shall be open to any inhabitant of the Territory of Colorado, without regard to sex or color, and with the consent of the Board of Trustees, students may be received from the States or other Territories.

SEC. 7. All the property of such School of Mines shall be under the charge and control of the Board of Trustees.

Appropriation to whom paid.

SEC. 8. There is hereby appropriated out of any money in the Territorial Treasury, not otherwise appropriated, the sum of five thousand dollars, to be used in the completion of the building now erected at or near Golden, known as the building of the School of Mines, and in furnishing the laboratory with such articles as may be necessary to carry out the provisions of this act. Said sum of money shall be paid to the President of the Board of Trustees, immediately after the organization of such Board, and it is hereby made the duty of the Territorial Treasurer to pay said sum of five thousand dollars to the President of the said Board of Trustees immediately after the organization of said Board.

SEC. 9. No part of the said sum of five thousand dollars shall be paid to the President of said Board of Trustees until the title to the building now erected near Jarvis Hall, near Golden, and known as the School of Mines, shall be vested in the said School of Mines, including five acres of land adjoining and near said building.

SEC. 10. The said Board of Trustees may, out of the said five thousand dollars received, pay to the

authorites of Jarvis Hall any advances made and used in constructing the building now known as the School of Mines; *Providing*, Said sum so to be paid shall not exceed the sum of five thousand dollars.

President required to give security—when.

SEC. 11. Should a majority of the said Trustees fail to meet at Golden before the first of June, 1874, such organization may be made at any subsequent time, when no less than four of said Trustees may meet, and the President of the Board shall give security for the faithful disbursement of the funds of such School of Mines, in double the amount hereby appropriated, to be approved by the Territorial Treasurer.

SEC. 12. If said property and building known as the School of Mines building, is not deeded over to said Board of Trustees, on or before the expiration of six months from the passage of this act, then this act, and provisions thereof, shall be null and void, and the money so appropriated shall revert back to the Territory.

Governor to fill vacancies in board of trustees.

SEC. 13. The Governor of Colorado shall, with the approval of the Council of Colorado, at each regular session of the Legislature, fill the vacancies of Trustees occasioned by the expiration of office, or resignation, death or otherwise, and the Governor may, when the Legislature is not in session, fill any vacancy in the Board until the meeting of the Legislature, and when the Trustees heretofore named, shall organize and become a Board, as provided, then the present Board of Trustees shall be relieved from further duty.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved February 9th, 1874.

AN ACT

To authorize the employment of Stenographic Reporters in the District Courts.

Be it enacted by the Council and House of Representatives of Colorado Territory, The Judge of each Judicial District may appoint a competent short hand reporter, to attend during any term of the court, or any part thereof, or during the trial of any cause or causes. Such reporter shall, on the direction of the court, in any case, take down in short hand all the testimony, the rulings of the court, the exceptions taken, and oral instructions given, and other proceedings had during the trial of any cause, and in such causes as the court may designate; and in such reasonable time after the trial as the court may appoint, shall write out the same in plain, legible, long-hand writing, and file it, together with the original short-hand writing, with the Clerk of the Court in which the cause was tried.

Compensation.

SEC. 2. Such reporter shall receive for his services such pay as the Judge of the Court may direct, to be paid from the Treasury of the county wherein the court sits, not exceeding ten (10) dollars per diem, for reducing the testimony to short-hand, and not exceeding twenty cents per folio of one hundred words, for making transcripts in long-hand, when so directed by the Court. The compensation to said reporter shall be paid as follows: The per diem allowance by the county in which such suit may be pending, and the allowance for transcript in long-hand shall be paid as other costs of the suit.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To Regulate the Herding and Pasturing of Sheep and Cattle.

Be it enacted by the Council and House of Representatives of Colorado Territory, That no herd of sheep, goats, or cattle, numbering more than twenty, shall be kept or pastured more than two days in any one month within three miles of the limits of any of the towns or villages in the counties of Costilla, Conejos, Arapahoe, Boulder, Larimer and Weld, whether imported or not, and any owner or keeper of sheep or cattle who shall violate the provisions of this section, shall be fined, for the use of the county in which such violation shall take place, the sum of ten dollars for each and every day that any such herd shall be kept or pastured in violation hereof; to be recovered by an action instituted by any person who shall feel himself aggrieved, in the name of the people of the Territory of Colorado, in any court of competent jurisdiction, and *provided further*, that this act shall not be construed to apply to dairy cows in charge of herders, or to any stock running at large and belonging to persons living in the vicinity of said towns and villages.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved February 6th, 1874.

AN ACT

To amend an act entitled "An Act Regulating the Branding, Herding, and Care of Stock," approved February 9th, 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory, If any person shall brand or mark or cause to be branded or marked

Penalty for effacing or obliterating brands.

with his or her or their mark any animal being the property of another, or shall efface, deface, or obliterate any brand or mark upon any animal, every such person so offending shall be liable to the owner thereof for three (3) times the value of the animal so branded or marked, or the brand upon which shall be so effaced, defaced, or obliterated, to be recovered by action of debt in any court of competent jurisdiction.

How actions for damages may be maintained

SEC. 2. The owner of any such animal so branded or marked as aforesaid, or the brand upon which shall be effaced, defaced, or obliterated as aforesaid, may maintain his action for damages under the provisions of this act upon evidence that such animal bears the brand or mark of the person to be charged therein, without proof as to how, when, or by whom such brand or mark was placed upon such animal.

SEC. 3. This act to take effect and be in force from and after its passage and approval.

Approved February 13, 1874.

AN ACT

Concerning the Herding of Stock in Weld County.

Be it enacted by the Council and House of Representatives of Colorado Territory, That no law now in existence or in force in the Territory of Colorado shall be so construed as to oblige any person to herd horses, mules or cattle within the County of Weld, in this Territory, except within the limits of organized Fence Districts.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To amend an act entitled "An Act Regulating the Branding Herding, and Care of Stock."

Be it enacted by the Council and House of Representatives of Colorado Territory, That section seven (7) of an act regulating the branding, herding and care of stock, passed at the Ninth Legislative Assembly, be amended to read as follows: When any stock is driven into a county for the purpose of grazing therein, at any time previous to the last day of December in any year, it shall be liable to be assessed for all taxes leviable in that county for that year, the same as if it had been in that county at the time of the annual assessment; and it shall be lawful for the proper officers to assess and collect the same at any time after the usual time of assessment and collection; *Provided*, That such stock has not been regularly assessed in some other county of the Territory for that year. And it shall be the duty of the County Assessor, when required by the person having such stock in charge, to give a certificate of assessment, stating the number, kind and value of stock assessed, and such certificate shall be sufficient evidence of a legal assessment of such stock for that year; and, *provided further*, that if any Assessor shall fraudulently give to any person such certificate or any person shall, in any manner, illegally obtain such certificate, shall, on conviction, be fined in any court of the Territory having competent jurisdiction, in any sum not exceeding one thousand dollars, or imprisonment in the county jail not exceeding six months, or both, at the discretion of the Court. All fines resulting from the provisions of this section shall be for the use and benefit of the county in which the assessment should be properly made.

Assessment of stock for taxation

SEC. 2. This act shall take effect from and after its passage.

Approved February 12th, 1874.

AN ACT

To Amend An Act entitled "An Act Regulating the Branding, Herding and Care of Stock," approved February 9th, 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory, That Section five of said act be stricken out, and the following inserted in lieu thereof: "Section 5. No mustang or other inferior stallion over the age of one year; nor any Texan, Mexican or Cherokee bull, or other inferior bull over the age of one year; nor any Mexican or other inferior ram over the age of two months, shall be permitted to run at large in this Territory; and no stallion of any kind over the age of one year shall be permitted to run at large in Boulder and Weld Counties, nor shall any stallion over the age of one year, be permitted to run at large in said Territory, except with a band of mares not less than ten in number. The owner or person in charge of such animal or animals as are prohibited from running at large by this section, who shall permit such animal or animals to run at large, may be fined for each offense not less than fifty (50) dollars nor more than two hundred (200) dollars. And it shall be lawful for any stock-grower to castrate or cause to be castrated, any such animal found running at large; *Provided*, That if any person shall castrate any stallion, bull or ram, and it shall on proper evidence before any competent court, be proven to the satisfaction of said court that such animal was not of a class of stock prohibited from running at large by this act, said person shall be liable to damages to the amount of treble the value of said animal so castrated, and costs of suit; *Provided, also*, That for the purposes of this act, any stallion possessing one-quarter (¼) of Mustang blood, shall be deemed a Mustang stallion; any bull possessing one-quarter (¼) Texan, Mexican, or Cherokee blood, shall be deemed a

Section 5 stricken out

What animals shall not be permitted to run at large

Texan, Mexican or Cherokee bull, as the case may be; and any ram possessing one-quarter (¼) Mexican blood, shall be deemed a Mexican ram; *And provided further*, That this section shall not take effect and be in force within the counties of Huerfano, Las Animas, Costilla, and Conejos.

Brands must be recorded.

SEC. 2. That section nine (9) of said act be and the same is hereby amended, by adding thereto the following words: "That any such person or persons so desiring, may in the manner and with like effect as hereinbefore in this act is provided, record his, her or their mark or brand, in any county in this Territory, other than the county in which he, she or they may reside, *provided* the said mark or brand has not been heretofore recorded in such county by some other person or persons. And if any Clerk and Recorder of any county in this Territory shall, for any person or persons, record any mark or brand, there being at the time of such recording a similar living mark or brand upon the records of his county, such Clerk and Recorder shall be liable to pay a fine of not less than twenty (20) dollars, nor more than one hundred (100) dollars; *And provided further*, That where two or more similar marks and brands have been heretofore recorded in any one county in this Territory, the oldest record shall entitle the owners of said mark or brand to the exclusive use thereof in said county.

Roundups.

SEC. 3. That section sixteen (16) of said act be stricken out, and the following inserted in lieu thereof: "Section 16. The County Commissioners of the several counties in this Territory shall have power, on request or ample notice given, to order that cattle be gathered together, or rounded-up, at such times and places as shall be convenient and desirable to stock owners in their respective counties, and under such rules and regulations as the said County Commissioners shall provide, and under

their care and supervision. *Provided*, That such round-up shall not occur oftener than once in each year."

Stock stealing defined as grand larceny

SEC. 4. That section eighteen (18) of said act be stricken out, and the following inserted in lieu thereof: "Section 18. That all cases which are by this act declared to be larcenies, and in all cases of the felonious taking, stealing, riding, driving, leading, and carrying away of any animal, or animals, herein referred to, the same shall be deemed and taken to be, and the courts of this Territory shall construe and hold the same to be grand larceny, and subjecting the offender, or offenders, to be condemned to the penitentiary for a term of not less than one (1) year nor more than ten (10) years, notwithstanding the value of such animal, or animals, may be less than twenty (20) dollars."

SEC. 5. That the said act be, and the same is hereby amended by adding thereto the following, to be known and numbered: "Section 19. Chapters twenty-nine (29), fifty-eight (58) and eighty (80), and so much of section sixty (60) of chapter twenty-two (22) as conflicts in any manner with this act, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To amend an act entitled "An Act regulating the Branding, Herding, and Care of Stock," approved February 9th, 1872.

Be it enacted by the Council and House of Representatives of Colorado Territory, That said act is hereby amended by adding after section sixteen (16) the following section:

That any person or persons owning twenty-five (25) or more cows, shall not be allowed to let them run at large without providing and letting run at large with them, not less than one (1) bull, of good American graded stock, for each and every twenty-five (25) cows so owned and let run at large; and any person or persons who shall violate the provisions of this section, upon conviction in any court in this Territory, shall be fined in a sum of not less than twenty-five (25) nor more than two hundred dollars for each offense; *Provided*, That this act shall apply only to the counties of Bent, El Paso, Pueblo and Elbert.

SEC. 2. This act shall take effect and be in force from and after the first (1st) day of May, A. D. 1872 [1874].

Approved February 13th, 1874.

AN ACT

Concerning the Library of the Supreme Court.

Be it enacted by the Council and House of Representatives of Colorado Territory, That hereafter the Clerk of the Supreme Court shall have charge and custody of the books pertaining to the library of the Supreme Court. He shall provide a suitable room convenient to the chambers of said Court, which shall be occupied as his office as Clerk of the Supreme Court and as such Librarian. Clerk to have charge of library

SEC. 2. It shall be the duty of the said Librarian to keep his said office open every day in the year, Sundays and holidays excepted, from 9 o'clock A. M. till 5 o'clock P. M. of each day, so that the attorneys of this Territory and the Judges thereof may have access to said library, and it shall be the duty of the said Clerk to provide necessary furniture for said office, and for this purpose and for the rental Appropriation for expenses

of the office the sum of five hundred dollars per annum is hereby appropriated to be disbursed by said Clerk.

Books to be deposited in library.

SEC. 3. The Territorial Librarian and all other officers who shall hereafter receive for public use from any other State or Territory or any officer thereof, or any other person, any book of judicial reports, or public statutes, or any other book of laws, shall forthwith cause one copy of such books of statutes, and all of such books of reports and other books of law, to be deposited in the library of the Supreme Court, there to remain. The Librarian of the Territory shall forthwith after the passage of this act cause one copy of all the public statutes now pertaining to the Territorial Library, and all of the several books of judicial reports, and other books of law now pertaining to the Library of the Territory, to be delivered to the Clerk of the Supreme Court to be deposited in the Library of the Court, there to remain.

Approved February 13, 1874.

AN ACT

To enable the Territory of Colorado to Purchase a certain number of a Report of Cases-at-Law and in Chancery, determined in the Supreme Court of said Territory by the Honorable Moses Hallett, Reporter.

Be it enacted by the Council and House of Representatives of Colorado Territory, That there shall be appropriated out of the moneys in the Territorial Treasury not otherwise appropriated, the sum of one thousand dollars for the purchase of one hundred and twenty-five copies of a Report of Cases-at-Law and in Chancery, determined in the Supreme Court of Colorado Territory,—the same being the second volume of said report,—by the Hon. Moses Hallett,

Appropriation

Reporter, when the same shall be published; and the Territorial Auditor is hereby authorized to draw his warrant for the same in favor of the said Moses Hallett, when the said one hundred and twenty-five volumes of said Report shall be delivered to the Territorial Librarian.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To Amend an Act entitled "An Act to Reduce the Law Incorporating the City of Denver, and the Several Acts Amendatory thereof, into one Act and to Amend the same."

ARTICLE I

Be it enacted by the Council and House of Representatives of Colorado Territory, That the inhabitants of the City of Denver, in Arapahoe County, and Territory of Colorado, be and are hereby constituted a body politic and corporate, by the name and style of "the City of Denver," and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded, in all courts of law and equity, and may have and use a common seal, and alter the same at pleasure.

SEC. 2. That hereafter the corporate limits of the City of Denver shall be as follows: Beginning at the northwest corner of section thirty-three (33), in township three (3), south of range sixty-eight (68) west, thence south along the west line of said section to a point where the same intersects the main channel of the South Platte river, thence up the main channel of said river to the point where said river intersects the south line of the northwest quarter of section four (4), township four (4), south of

Corporate limits.

range sixty-eight (68) west, thence east along said last mentioned line to the east line of section three (3), same township and ranges as last aforesaid, thence north to the northeast corner of said section three (3), thence east along the township line to the southeast corner of the southwest quarter of the southeast quarter of section thirty-five (35), same township and range as first above mentioned, thence north, following lines of subdivision of sections to the northeast corner of the southwest quarter of the southeast quarter of section twenty-three (23), township and range same as last; thence west along the lines of subdivisions of sections to the center of said South Platte river; thence up the center of the main channel of said river until said line intersects the east and west center lines of section twenty-seven (27), same township and range; thence west along said center line of section twenty-seven (27), and the center line of section twenty-eight (28), adjoining to the west side of said section twenty-eight (28), thence south to the place of beginning. All which land included within the aforesaid boundaries is situate in the County of Arapahoe, in the Territory of Colorado, and the same, together with all additions to the said City of Denver now made, is hereby declared to be within the limits of the City of Denver.

Additions.

SEC. 3. Whenever any territory shall be laid out and surveyed, as an addition to the City of Denver, such territory shall, upon the filing of the plat or map thereof in the office of the Recorder of the County of Arapahoe, become a part of the said City of Denver, and be included within the limits and jurisdiction thereof.

SEC. 4. The inhabitants of said city, by the name and style aforesaid, shall have power and authority, and they are hereby empowered and authorized to take, hold, possess, use and enjoy both real and personal property by deed, grant, gift, bequest, devise

or otherwise, and they shall have the power, through and by the City Council, to sell and convey the same for the sole use and benefit of the inhabitants of said city, and may also, for the use of the inhabitants of said city, purchase, hold, possess and enjoy real property beyond the limits of said city, for burying grounds and cemetries, for the erection of hospitals, pest houses, or for any sanitary purposes, or for the construction of reservoirs, for water works, of any description, for the use of the city, and to improve the same.

ARTICLE II.

OF THE CITY COUNCIL.

SEC. 1. There shall be a City Council, to consist of a Mayor and Board of Aldermen, who shall, during their term of service, be exempt from serving on juries in all courts in this Terrritory, the evidence of which shall be a certificate of the City Clerk, setting forth the fact.

SEC. 2. The Board of Aldermen shall consist of two members from each Ward, to be chosen by qualified voters in their respective Wards, for two years, and until others shall be legally qualified.

Qualification of Aldermen.

SEC. 3. No person shall be an Alderman unless at the time of his election he shall have resided within the limits of the city one year immediately preceding his election, and shall have the requisite qualifications to vote for members of the Legislature, be a resident of the Ward for which he is elected, and a citizen of the United States.

Organization of Mayor.

SEC. 4. If any Alderman shall, after his election, remove from the Ward for which he was elected, the City Council shall, and it is hereby made their duty to declare the seat of the Alderman for the said Ward vacant, and they shall by vote order a new election to fill the vacancy. The Mayor shall receive such compensation as the City Council may

from time to time determine by ordinance. No Alderman shall, during his continuance in office, receive any compensation for his services, or be appointed to, or competent to hold any office the emoluments of which are paid from the City Treasury, or paid by fees, in pursuance of any Act or Ordinance of the City Council.

SEC. 5. The City Council shall judge of the qualifications, elections, and returns of their own members, and shall determine all contested elections under this act.

SEC. 6. A majority of the City Council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

SEC. 7. The City Council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and with the concurrence of two thirds of the members elected, expel a member.

SEC. 8. The City Council shall keep a journal of its proceedings, and from time to time publish the same, and the yeas and nays, when demanded by any member present, shall be entered upon the journal.

SEC. 9. All vacancies that shall occur in the Board of Aldermen shall be filled by election.

SEC. 10. The Mayor and each Alderman, before entering upon the duties of his office, shall take and subscribe an oath, or make an affirmation, that they will support the Constitution of the United States and the Organic Act of this Territory, and that they will well and truly perform the duties of their office to the best of their skill and ability.

SEC. 11. Whenever there shall be a tie in the election of Aldermen, the Judges of Election shall certify the facts to the Mayor, who shall determine the same by lot in such manner as shall be provided by ordinance.

SEC. 12. There shall be twelve stated meetings of the City Council in each year, at such times and places as may be prescribed by the City Council.

ARTICLE III.

OF THE EXECUTIVE OFFICER.

SEC. 1. The Chief Executive officer of the city shall be a Mayor, who shall be elected by the qualified voters of the city, and hold his office for two years, and until his successor shall be elected and qualified, and shall only be entitled to vote upon questions pending before, or which may be determined by the City Council when there is a tie vote of the Aldermen present, at which time he shall give the casting vote.

SEC. 2. No person shall be eligible to the office of Mayor who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-five years of age, or who shall not at the time of his election be a citizen of the United States. Eligibility.

SEC. 3. It shall be the duty of the City Council, at their first meeting after the organization of the new Council, in each year, to elect one of their number Vice-Mayor, who shall perform the duties of Chairman of the Council in the absence of the Mayor and who shall be Mayor *pro tem.* during any temporary absence of the Mayor from the city, or in case of a vacancy occurring in the office of Mayor, during the interim until such vacancy shall be filled by an election as hereinafter provided.

SEC. 4. Whenever a vacancy shall occur in the City Council, either of the Mayor or Board of Aldermen, it is hereby made the duty of the City Council to immediately order an election to fill the vacancy. *Provided*, that no election shall be ordered in case of a vacancy in the office of Mayor when less Vacancies

than six months shall intervene between the occurrence of said vacancy and the next general city election.

SEC. 5. Whenever there shall fail to be an election of Mayor, voted for by the people, in consequence of two or more candidates receiving an equal number of votes for the said office, the election shall be determined by the casting of lots, in the presence of the City Council, and the result shall be entered upon their proceedings.

SEC. 6. Whenever an election for Mayor shall be contested, the City Council shall determine the same, as may be prescribed by ordinance.

ARTICLE IV.

OF ELECTIONS.

SEC. 1. On the first Monday of April, A. D. 1874, an election shall be held in each ward of said city for one Mayor of said city, one City Treasurer, and one Alderman in each ward, who shall hold their offices for two years, and until their successors are elected and qualified. And forever afterward there shall be held an election each year on the first Monday of April for the election of one Alderman for each ward, and biennially on said day an election for one Mayor and one City Treasurer for said city. In all cases where two Aldermen are to be chosen from the same ward, at any annual election, the Alderman having the highest number of votes shall be declared elected for two years, and the candidate having the next highest number of votes, for one year. And in the case of the two successful candidates having an equal number of votes, the term of service to which they shall respectively be entitled, shall be determined by the casting of lots, in the presence of the City Council, and the result shall be entered upon their proceedings.

SEC. 2. All male inhabitants over the age of twenty-one years, who are entitled to vote for members of the Territorial Legislature, and who shall have been actual residents of said city thirty days next preceding said election, shall be entitled to vote for city officers. *Provided*, that the said voters shall give their votes in the wards in which they respectively reside.

SEC. 3. All laws which may be passed by the Legislative Assembly of the Territory of Colorado in relation to the registration and qualification of electors shall be taken and held to apply to the electors and all elections held under this act.

ARTICLE V.

THE MAYOR.

SEC. 1. The Mayor shall preside at all meetings of the City Council, and in case of non-attendance of the Mayor or Vice-Mayor at any meeting, the Board of Aldermen shall appoint one of their own number as Chairman, who shall preside at the meeting.

SEC. 2. The Mayor or any two Aldermen may call special meetings of the City Council.

SEC. 3. The Mayor shall, at all times, be vigilant and active in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all the subordinate officers of said city, and cause negligence or positive violation of duty to be prosecuted and punished; he shall from time to time communicate to the Aldermen such information, and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort, and ornament of the city. He shall be the head of the police force of the city, and shall have power to release prisoners confined in the city jail under judgment of the Police Magistrate for violation of the city ordinances. Duties of the Mayor

SEC. 4. He is hereby authorized to call upon every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riots, to call out the militia to aid him in suppressing the same, or other disorderly conduct, preventing and extinguishing fires, for securing the peace and safety of the city, or in carrying into effect any law or ordinance, and any person who shall not obey such call, shall forfeit to said city a fine not exceeding twenty dollars.

SEC. 5. He shall have power, whenever he shall deem it necessary, to require of any of the officers of said city an exhibit of his books and papers.

SEC. 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

SEC. 7. He shall also have such power as may be vested in him by ordinance of the city, in and within all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

Punishment of Mayor for malfeasance.

SEC. 8. In case the Mayor shall at any time be guilty of a palpable omission of duty, or shall willfully or corruptly be guilty of oppression, mal-conduct, or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the District Court of the proper county, and on conviction he shall be fined not more than five hundred dollars, and the Court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from office.

SEC. 9. In case the Mayor shall absent himself from the city for the period of three consecutive months, or in case he shall cease to reside within the limits of the city, his office shall thereby be vacated.

SEC. 10. In all cases of examination of charges against policemen or other officers of the city, the

Mayor shall have power to administer oaths and to compel the attendance of witnesses and the production of books and papers.

ARTICLE VI.

THE CITY COUNCIL.

SEC. 1. The City Council shall have power to provide by ordinance for the appointment of a City Clerk, City Attorney, City Surveyor, and all other officers necessary to enfore and carry into effect the provisions of this act and the ordinances of the City of Denver, and to provide for their compensation, duties, the time for which they shall hold their respective offices, and their removal from office, and also to provide by ordinance for the removal from office of the City Marshal for nonfeasance or malfeasance in official duties, and fill any vacancy in said office until the next general election.

Officers may be required to give bonds.

SEC. 2. The City Council shall have power to require of the officers appointed or elected in pursuance of this act, bonds with penalty and security for the faithful performance of their respective duties, as may be deemed expedient, and also to require all officers appointed or elected as aforesaid, to take such oath, or make such affirmation as the City Council may prescribe, for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same.

SEC. 3. The City Council shall have, subject to the provisions hereinafter named, the general management and control of the finances and all property, real, personal, and mixed, belonging to the corporation, and shall likewise have power, within the jurisdiction of the city, by ordinance not repugnant to the constitution of the United States or the organic law of this Territory:

First—To establish a system of sewerage.

General powers of the Council.

Second—To appropriate money and provide for the payment of the debts and expenses of the city.

Third—To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce the same within five miles of the city.

Fourth—To establish hospitals and make regulations for the government of the same.

Fifth—To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same.

Sixth—To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes and alleys, sidewalks, drains and sewers.

Seventh—To establish, erect, and keep in repair bridges.

Eighth—To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require.

Ninth—To provide for lighting the streets and erecting lamp posts.

Tenth—To erect market houses, to establish markets and market places, and to provide for the government and regulations thereof.

Eleventh—To provide all needful buildings for the use of the city.

Twelfth—To provide for enclosing, improving, and regulating all public grounds belonging to the city.

Thirteenth—To license, tax and regulate auctioneers, peddlers, taverns, ordinaries, hawkers, brokers, and pawn brokers, all keepers of shops and places for the sale or purchase of second hand goods, wares and merchandise, distillers and brewers, and to tax merchants, retailers, grocers and money-changers.

Fourteenth—To license, tax, and regulate hackney carriages, omnibuses, wagons, carts, and drays, and to fix the rates to be charged for the carriage of persons, and for wagonage, cartage, and drayage of property.

Fifteenth—To license and regulate porters, and the rates of porterage.

Sixteenth—To license, tax, and regulate theatrical and other exhibitions, shows and amusements. This act shall in no way be construed so as to give authority to the City of Denver to license gambling or gambling houses.

Seventeenth—The City Council shall have exclusive power within the city to license, restrain, regulate, prohibit, and suppress tippling houses, dram shops, and the selling or giving away of any intoxicating or malt liquors, by any person within the city, except by persons duly licensed.

Eighteenth—To provide for the prevention and extinguishment of fires, to organize and establish fire companies, and to regulate or prohibit the erection of wooden buildings in any part of the city.

Nineteenth—To regulate the building and fixing of chimneys, and to fix the flues thereof.

Twentieth—To regulate the storage of gunpowder, tar, pitch, resin, and other combustible material.

Twenty-first—To regulate parapet walls, and partition fences, and restrain, cattle, hogs, horses, sheep, dogs, and all other animals, from running at large.

Twenty-second—To establish standard weights and measures, and to regulate the weights and measures to be used in the city in all cases not otherwise provided for by law, and to order all ordinances on the subject to be enforced, and to fix and enforce payment of fines for non-compliance of any such order.

Twenty-third—To provide for the measuring and inspection of lumber and other building materials, and for the measuring of all kinds of mechanical work.

Twenty-fourth—To provide for the inspection and weighing of hay and stone coal, the measurement of charcoal, firewood and other fuel, to be sold and used within the city.

Twenty-fifth—To provide for and regulate the inspection of flour in barrels or sacks, also, tobacco, beef, pork, and whisky in barrels.

Twenty-sixth—To regulate the inspection of butter, lard, and other provisions.

Twenty-seventh—To regulate the weight and quality of bread to be used in the city.

Twenty-eighth—To regulate the size of bricks to be sold and used in the city.

Twenty-ninth—To provide for taking the enumerations of the inhabitants of the city.

Thirtieth—To regulate the election of city officers and to provide for removing from office any person holding an office created by ordinance.

Thirty-first—To fix the compensation of city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance made in pursuance thereof.

Thirty-second—To establish and regulate the police of the city, to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties, and all money collected under or by authority of any city ordinance, shall be deemed and taken to belong to said city, and be disposed of by the City Council under the ordinances of said city for the general use and benefit of the inhabitants thereof.

Thirty-third—The City Council shall have exclusive powers within the city, by ordinance, to license, suppress and restrain billiard tables and bowling alleys.

Thirty-fourth—The City Council shall have power to prohibit gambling and gambling houses, bawdy houses, disorderly houses, and houses wherein lewd persons assemble for dancing.

Thirty-fifth—To provide for the removal of buildings when erected or allowed to remain in any locality

contrary to the ordinances of the city, to regulate and prevent the carrying on of manufactures dangerous in causing or producing fires, or dangerous or injurious to health; to appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same, and to compel any person or persons present to aid in extinguishing such fire, or in the preservation of property exposed to the danger of the same, and in preventing goods or property from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance.

Thirty-sixth—The City of Denver shall have the exclusive right within the corporate limits of the said city, to levy and collect a poll tax, not exceeding one dollar and fifty cents upon every male person over twenty-one and under fifty years of age, who shall have resided three months within the city, which, when collected, shall constitute a special fund to be used for repairing and cleaning the streets, and the City Council may enforce payment of such tax by fine or imprisonment, or both, as may be provided by ordinance.

Thirty-seventh—To remove all obstructions from the streets, lanes, avenues, and alleys of the city, and from the sidewalks and curbstones within the city, and prevent and remove all encroachments into or upon all or any streets, lanes, avenues, or alleys within the city, established by law or ordinance.

Thirty-eighth—To levy and collect a special tax not exceeding ten dollars upon each and every dog, whether male or female, owned or kept within the City of Denver, and for that purpose such dogs are hereby declared to be taxable property, and the City Council may enforce the payment of such tax by ordinance, in such manner as they may determine.

Thirty-ninth—To make such rules and regulations with regard to the improvement, preservation, laying

out and ornamenting any grounds for a cemetery or cemeteries without the limits of the city, and for the sale of burial places or lots for the interment of the dead therein, as they may deem proper. And also to provide for the punishment of all persons who shall, without said city limits, be guilty of any violation of said rules and regulations, or the rules and regulations which the City Council are hereby empowered to make for the preservation or improvement of any ditch or ditches, reservoir or reservoirs, or other property owned by the city outside of the said city limits, and such violations may be punished by fine and imprisonment, as in other cases, by any court of competent jurisdiction within the city, and all process issued for the arrest of any person or persons guilty of such violation may be executed without said city limits by any officer of the city, the same as if the offense had been committed within the city.

Fortieth—To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusements or practice, having a tendency to annoy persons passing in the streets, or on the sidewalks, or to frighten teams or horses.

Forty-first—To compel all persons to keep the snow, ice and dirt from the sidewalks in front of the premises owned or occupied by them.

Forty-second—To prevent the ringing of bells, blowing of horns, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks, by auctioneers or others, for the purpose of business, amusement or otherwise.

Forty-third—To license, regulate and restrain runners for stages, cars, or public houses.

Forty-fourth—To regulate the burial of the dead, and registration of births and deaths, to direct the keeping and returning bills of mortality, and to im-

pose penalties on physicians, sextons and others, for any default in the premises.

Forty-fifth—To regulate the running of horse railway cars, or cars propelled by dummy engines, the laying down tracks for the same, the transportation of passengers thereon, and the form of rail to be used. *Provided*, That no ordinance shall be passed conflicting with any rights vested in the Denver City Railway Company by their charter.

Forty-sixth—To provide for the inspection and storage of petroleum and other mineral oils.

Forty-seventh—To regulate and prohibit the use of locomotive engines, and require railroad cars to be propelled by other power than that of steam, to direct and control the location of railroad tracks, and to require railroad companies to construct, at their own expense, such bridges, tunnels, or other conveniencies at public railroad crossings, as the City Council may deem necessary, and to regulate the rates of speed of all railroad trains.

Forty-eighth—To erect a workhouse and house of correction, and provide for the regulation and government thereof.

Forty-ninth—To prevent and restrain any riot, noise, disturbance or disorderly assemblages in any street, house, or place within the city.

Fiftieth—To prevent the interment of the dead within the present or future limits of the city.

Fifty-first—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Fifty-second—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Fifty-third—To prevent horse racing, fast driving in the streets, and to authorize persons immoderately riding or driving to be stopped by any person; and punish or prohibit the abuse of animals; to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while stand-

ing or remaining in the street, and to compel owners of lots with a building fronting on the street to provide hitching posts or rings for hitching horses or other animals.

Fifty-fourth—To make appropriations from the general fund, not to exceed the sum of three thousand (3,000) dollars in any one year, for the purpose of defraying the expenses of funerals and entertaining official visitors from sister cities. *Provided*, That any appropriation for said objects shall not be ordered unless by a vote of three-fourths of all the Aldermen elect.

Fifty-fifth—To regulate and license, or prohibit butchers, and to revoke their licenses for malconduct in the course of trade, and to regulate, license and restrain the sale of fresh meats and vegetables in the city, and to restrain and punish the forestalling of poultry, butter, eggs and fruit.

Fifty-sixth—To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice.

Fifty-seventh—To appoint an Inspector of Buildings, define his duties, and provide for his compensation.

Fifty-eighth—To control, regulate or prohibit the use of steam whistles within the limits of the city.

Fifty-ninth—To provide the city with water, to erect hydrants and pumps, to construct cisterns, to provide for and regulate the manner of introducing water for irrigatoin and other purposes, to regulate and provide for the constructing of ditches, canals and gutters for conducting and distributing water through the city, and to keep the same in repair, to regulate the use of water by the inhabitants of the city for irrigating the soil, to build and construct ditches outside of the city limits for the purpose of bringing water into the city for the use of the inhabitants thereof, in such way and manner as shall, by

the City Council, be deemed for the best interests of the city, and to keep the same in repair; to bore artesian wells for the purpose of obtaining water for the city, at such places within or without the city of Denver as may be procured for that purpose by the City Council; to construct or purchase water works for the use of the city, and to enlarge their capacity from time to time, and keep the same in repair, and generally to do whatever may be needful and necessary to be done in order to supply the city of Denver with water for fire, irrigation and other purposes, and to regulate the same.

SEC. 4. The City Council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to, or inconsistent with, the Constitution of the United States, or the Organic Act of this Territory.

SEC. 5. The style of the city ordinances shall be, "Be it ordained by the City Council of the City of Denver."

SEC. 6. All ordinances of the City Council shall, within one month after they shall have been passed, be published in some newspaper in the city, or posted up in three public places in said city, and shall not be in force until they shall have been published as aforesaid. Publication of ordinances.

SEC. 7. All ordinances of the City Council may be proven by the seal of the corporation, and when printed in book form or pamphlet form, and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

SEC. 8. The City Council of the City of Denver shall have power to define and fix the boundaries of the channel of Cherry Creek, and confine said creek within said channel within the corporate limits of said city, and to remove obstructions therefrom, and Cherry Creek.

to prevent persons from obstructing the same, and to acquire the title of said creek for the benefit of the inhabitants of said city, and to cause the damages resulting from the appropriation of the same to public use to be assessed and paid to the parties claiming and showing title thereto, in such way and manner as may be provided by ordinance.

SEC. 9. That it shall be lawful for the City Council, as often as they may deem it necessary to do so, to designate in such manner as they may determine, one person, resident within said city, upon whom by the laws of the Territory shall have been conferred the jurisdiction of Justice of the Peace, and such person, when so designated by the City Council, shall have jurisdiction in all cases arising under this act and the ordinances of the City of Denver, except as otherwise provided in this act, and except in cases when a debt is claimed to be due, or a fine to be imposed, and such debt or fine shall exceed the sum of three hundred dollars, and such persons shall also have jurisdiction of all violations of the city ordinances.

Financial statements.

SEC. 10. It shall be the duty of the Mayor, Aldermen, City Clerk, City Attorney, and all other officers of the City of Denver, and all persons who by this act, or the ordinances of the City of Denver, or the City Council thereof, shall be designated, appointed, required, or permitted to perform any act or service whatsoever for or on behalf of said city, or under the acts or ordinances aforesaid, by whom, or into the possession or under the control of whom, any money, bank bills, treasury notes, city warrants, city bonds, city scrip, or other evidence of the indebtedness of said City of Denver, or other evidences of indebtedness made, required, or issued, by any person or persons, company or corporation, or any evidence of Territorial or County indebtedness, or other thing of value whatsoever, which shall be

owned by, or belong to, the said City of Denver, or to the possession of which the said City of Denver shall be rightfully entitled, shall be received, or shall come to pay, or deliver the same, in the same kind of money, bank bills, treasury notes, city warrants, city bonds, city scrip, evidences of indebtedness, or thing of value, over to the City Treasurer within thirty days thereafter, and such officer or person shall also within thirty days after receiving or obtaining possession of the same, make out and deliver to the City Treasurer a written statement of the amount of money, bank bills, treasury notes, city warrants, city bonds, or other evidence of indebtedness by him received, collected, or obtained, for or on behalf of said city, and from whom and when the same was collected, obtained, or received, which statement shall be verified by the oath of such officer or person, and shall be filed and carefully preserved by the City Treasurer in his office. Any person who shall willfully and falsely swear to such statement, shall be deemed guilty of perjury, and shall be punished accordingly.

Dealing in warrants or receipts prohibited.

SEC. 11. If any person being an officer of said City of Denver, shall buy, or cause, or procure any person or persons to buy warrants on the City Treasurer, or any city fund, or shall deal in the same, or having received money for or on behalf of said city, shall exchange the same for warrants on the City Treasurer, or shall pay into or deposit with the City Treasurer warrants drawn on the City Treasury, or on any city fund, and thereafter collect the amount specified in such warrant, or any part thereof, in money, for, or on behalf of said city, and return the same in partial or full reimbursement for such warrant, for every such offense he shall, upon conviction, be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment:

Provided, That nothing in this section contained shall be held or construed to prohibit the City Treasurer from redeeming city warrants as provided by law or ordinance.

Reports of Treasurer.

SEC. 12. The Treasurer of the City of Denver shall report to the City Council, at the close of each calendar month, the amount and kind of money received by him during the preceding month, and from whom, and upon what account the same was received, also the amount of warrants, or other evidences of indebtedness received or redeemed by him during the preceding month, by whom the same were presented for redemption, or paid into the City Treasury, and whether the same were redeemed in money, or paid into the City Treasury in partial or full satisfaction of indebtedness due from the city to the person paying the same, or otherwise, and shall return monthly to the City Council all bonds, scrip, or orders, he may have redeemed, or paid, to be cancelled by them. If the City Treasurer shall fail to report, as provided in this section, he shall forfeit and pay to the city the sum of fifty dollars for each offense.

SEC. 13. If any of the persons named in section eleven of this article, shall refuse to comply with the provisions of said section, being thereunto requested by any officer of the City of Denver, he shall forfeit and pay to said city the sum of fifty dollars for each offense, to be recovered by action in the name of the city, in any court of competent jurisdiction.

Punishment of offenders.

SEC. 14. The City Council shall have power to provide for the punishment of offenders by imprisonment, in all cases where said offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them, and also to provide by ordinance for all persons so fined to work out the said fines and costs, on the streets of the city, or in such other way or manner as they may provide.

SEC. 15. All fines and forfeitures collected for offenses committed, or penalties incurred, within the incorporated limits of the City of Denver, shall be paid into the treasury of said city by the officers collecting the same.

SEC. 16. The City Council shall cause to be published annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

SEC. 17. All suits, actions, and prosecutions instituted, commenced, or brought by the corporation, hereby created, shall be prosecuted in the name of the City of Denver.

SEC. 18. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the Probate Court, and every such appeal shall be granted in the same manner, and with like effect, as appeals are taken from, and granted by, Justices of the Peace, under the laws of this Territory.

SEC. 19. All actions brought to recover any penalty or forfeiture under this act, or any ordinance or police regulations made in pursuance thereof, shall be brought in the corporate name, and it shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the cause of this act, or the ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

SEC. 20. In all prosecutions for any violation of any ordinance or other regulation, the first process shall be by summons, unless oath or affirmation shall be made, for a warrant as in other cases.

SEC. 21. Execution may issue immediately upon rendition of judgment, and if the defendant has no goods, or chattels, or real estate, within the county

Of executions.

whereof judgment may be collected, the officer rendering such judgment may require the defendant to be confined to jail, for a term not exceeding six months, and all persons so committed shall be confined one day for each two dollars of such judgment and costs.

SEC. 22. Nothing in this act shall be so construed as to authorize the City Council to tax or license the sale of the products of the Territory.

Borrowing money

SEC. 23. The City Council shall have power to borrow money to defray the current expenses of the city, and to pay the rate of interest usually paid upon first class business paper. Such amounts may be borrowed from time to time, as the wants of the city may demand, and such interest shall be paid upon monthly or daily balances, as the case may be. *Provided, however*, that said amount shall not exceed the sum of fifty thousand dollars.

SEC. 24. The corporate authorities of the City of Denver shall have the power to contract an indebtedness in behalf of the city, and upon the credit thereof, by borrowing money, or by issuing the bonds of the city, in any sum not exceeding two hundred thousand dollars, for each of the following purposes, to wit: For the purpose of the erection of public buildings; for the purpose of the purchase or construction of water works for fire and domestic purposes; for the purpose of the purchase or construction of a canal or canals for bringing water for irrigation into the city; for the purpose of acquiring the right of way for the turning of Cherry Creek, and for the purpose of constructing sewers in the city. Said bond shall be issued for such length of time and draw such interest as the City Council deem best for the interests of the city. *Provided*, that no such debt can be created or bonds issued until the question in detail has been submitted to a vote of the people of the city, and ratified by a two-thirds

vote of such voters as are actual owners of taxable property within the city.

Street grades.

SEC. 25. The City Council shall have power to appoint three competent civil engineers, who shall constitute a Board to revise and fix the grades of the streets of the whole city, or such part thereof as may be designated by the City Council, and when the grades are fixed and established by said Board, and approved by said Council, the said Council shall not have the power to change the same, except upon the petition of the owners of a majority of the frontage abutting upon the streets effected by the contemplated change, and by a two-thirds vote of all the Aldermen elect.

ARTICLE VII.

FIRE DEPARTMENT.

SECTION 1. The City Council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected or repaired without permission, and to direct that all and any buildings within the limits prescribed shall be made or constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits.

SEC. 2. The City Council shall also have power

Further general powers conferred

First—To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous.

Second—To prevent the deposit of ashes in unsafe places, and to cause all such buildings and enclosures as may be in a dangerous state to be put in safe condition.

Third—To regulate and prevent the carrying on of manufactures dangerous in causing or promoting fire.

Fourth—To regulate and prevent the use of fire-works and fire-arms.

Fifth—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

Sixth—To authorize the Mayor, aldermen, police or other officers of said city to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of said city, and other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat.

Seventh—And generally to establish such regulations by ordinance or otherwise, for the prevention and extinguishment of fires as the City Council may deem expedient.

Fire Department

SEC. 3. All active officers of the fire department of the City of Denver, and all active firemen belonging to any hose, hook and ladder or other companies, organized for the prevention and extinguishment of fires within the City of Denver, shall be exempt from serving on juries in all courts of this Territory. The name of each active officer of the fire department and of each active fireman shall be registered with the Clerk of the City, and the evidence to entitle him to the exemption provided in this section shall be the certificate of the Clerk, made within the year in which the exemption is claimed. Five years active, faithful, and continuous service from the passage of this act, in any branch of the fire department of said city, shall entitle the member performing such service to be ever afterwards exempt from service upon juries in all the courts of this county, and the evidence to entitle him to such exemption shall be the certificate of the Chief Engineer of such service.

SEC. 4. The City Council of said city shall assume and exercise the entire control of the fire department of said city, and shall possess full power and authority over its organization, government, appointments and discipline within said city. It shall have the custody and control of the engine houses, hook and ladder houses, hose houses, engines, hose carts, trucks, ladders, horses, telegraph lines, fire alarms, and all other public property and equipments belonging to the fire department.

Chief and Assistant engineers

SEC. 5. The fire department of said city shall consist of a Chief Engineer and one Assistant Chief Engineer, and the members of the several fire companies, hook and ladder companies and hose companies, who shall, under the direction of the City Council, have the care and management of the engines, hose carts, hook and ladder trucks, apparatus equipments, buildings, and other property used and provided for the extinguishment of fires. The said offices of Chief Engineer and Assistant Chief Engineer shall be elected by the said Council in such way and manner as may be provided for by ordinance. It shall be the duty of the Chief Engineer to promulgate all orders of the Mayor or City Council, and it shall be the duty of the subordinate officers and firemen to respect and obey the said Chief Engineer, or, in his absence, the Assistant Chief Engineer, as the head and chief of the fire department, subject to the ordinances of said city.

SEC. 6. The duties of the respective members of the fire department shall be as defined by ordinance, and they shall be under the control and direction of the Mayor and City Council; and the said City Council may impose reasonable forfeitures upon them for a violation of any ordinance pertaining to them or their duties; and for incapacity, neglect of duty or misconduct, may remove them, or any of them.

Firemen enrolled as special police.

SEC. 7. In a riot or any sudden emergency occurring in the city, when the police force needs immediate assistance, or whenever the Mayor may deem it necessary, the firemen, by companies, may be called to the assistance of the regular police, and when so employed, they shall possess all the powers and privileges of the police, and to make this provision more effectual the City Council may furnish the firemen with the necessary equipments, and instructions to act in conjunction with the regular police.

SEC. 8. The said City Council may require the Assistant Chief Engineer of the fire department to act as Fire Warden, and while so acting it shall be his duty to examine all buildings and enclosures, to discover whether the same are in a dangerous state, and report to the City Council all violations of the charter or ordinances of said city in relation to the prevention or extinguishment of fires.

Investigation of fires.

SEC. 9. The City Council shall have power, in its discretion, to direct the Chief Engineer and his Assistant to inquire into and investigate the cause of all fires which may occur in the city, as soon as may be after they occur, and to keep a record of their proceedings, and of the evidence in such case. They shall have power to compel the attendance of any person in said city to testify upon oath concerning any fire in said city under such penalty as the City Council may provide, and they, or either of them are hereby authorized to administer oaths to all such witnesses. They shall be required to use their utmost exertions in the discovery, arrest and conviction of all incendiaries, and to perform such other duties as the City Council may prescribe.

Fire Wardens.

SEC. 10. That there may be elected by the City Council one or more Fire Wardens, who shall hold their office for one year next ensuing such appointment. It shall be their duty to see that all the ordinances of the city concerning the fire department are enforced. They shall receive such compensation

as may be allowed by the City Council. The Mayor, Aldermen, and police officers of said city are hereby declared Fire Wardens *ex officio*, and are hereby authorized and empowered to do and perform all the duties ot Fire Wardens as the same are provided for by this article, or may be defined by ordinance.

SEC. 11. The City Council shall pay to the Chief Engineer and Assistant Engineer such salary for their services as may be determined by ordinance, and shall also require that they give bonds conditioned for the faithful performance of their duties in such sums as may be determined by ordinance.

ARTICLE VIII.

OF OPENING AND IMPROVING STREETS, ETC.

SECTION 1. Whenever the City Council shall by ordinance establish, open, widen, or alter any street, lane, avenue, alley or public square, and it becomes necessary for that purpose to take private property, and no agreement can be made with the owner thereof, the City of Denver shall make a just compensation therefor to the person whose property is so taken, the amount whereof shall be ascertained as follows, to wit: The Mayor of said city may present to the Probate Judge of Arapahoe County, a petition signed by him as such Mayor, describing with convenient accuracy and certainty, by map, or otherwise, the lands, real estate or claims so required to be taken or affected as aforesaid, setting forth the name and residence of each owner, or other person interested therein as owner, lessee or encumbrance, as far as known to such Mayor or appearing of record, and praying the appointment of three appraisers to ascertain the compensation to be made to such owner or persons interested, for the taking or injuriously affecting such lands, real estate, or claims aforesaid; the Probate Judge shall have satisfactory evidence that notice of an intended application, and Streets.

the time and place thereof, for the appointment of appraisers between said city of Denver and the owners and persons interested in such land, real estate, and claims, has been given at least ten days previously to such owners, personally, within the City of Denver, or by publication thereof in the official newspaper of the City of Denver, such publication to be allowed only in respect to owners or persons interested who shall appear by affidavit to have no residence in the City of Denver known to such Mayor, which notice shall be published at least thirty days prior to the time fixed for the application as aforesaid. The Judge may adjourn the proceedings from time to time, shall direct any future notice thereof to be given that may seem proper, shall hear proofs and allegations of all parties interested touching the regularity of the proceedings, and shall by an entry in the minutes appoint three disinterested appraisers as aforesaid, specifying in such entry a time and place for the first meeting of such appraisers. The said appraisers before entering upon the duties of their office shall take an oath to faithfully and impartially discharge their duties as said appraisers, and any one of them may administer oaths to witnesses produced before them; they may issue subpœnas and compel witnesses to attend and testify, and may adjourn and hold meetings for that purpose, and shall give reasonable previous notice to such owners or parties interested. They shall have the proofs and allegations of the parties, and any two of them, after viewing the premises shall, without fear, favor, or partiality, ascertain and certify the compensation proper to be made to said owners or parties interested, in consequence of the condemnation of the same, taken or injuriously affected as aforesaid, making such deduction or allowance for real benefits or advantages which such owners or parties interested may derive from the establishing,

Appraisement

opening, widening or altering of any such street, lane, avenue, alley or public square. They, or a majority of them, shall make, subscribe and file with the Clerk of Arapahoe county a certificate of their said ascertainment and assessment in which such lands, real estate or claims shall be described with certainty and accuracy. The Probate Judge upon such certificate and due proof that such compensation and separate sums, if any be certified, have been paid to the parties entitled to the same, or have been deposited to the credit of such parties in the city treasury, shall make and cause to be entered in its minutes, a rule describing such lands, real estate or claims in manner aforesaid, such ascertainment of compensation with the mode of making it, and each payment or deposit of the compensation as aforesaid, a certified copy of which shall be recorded and indexed in the Recorder's office of Arapahoe county, in like manner and with like effect as if it were a deed of conveyance from the said owners and parties interested to the said City of Denver. Upon the entry of such rule the said City of Denver shall become seized in fee, and shall have the exclusive right, title and possession of all such lands, real estate or claims described in such rule as required to be taken as aforesaid during the time which it may wish to use the same for the purposes of said street, lane, avenue, alley or public square, and shall thereupon be discharged from all claims for any damages by reason of any matter specified in such petition, certificate or rule of said Probate Judge.

Titles.

SEC. 2. If at any time after an attempted or actual ascertainment of compensation under this article, or any purchase by or donation to said City of Denver of lands or claims for the purposes aforesaid, it shall appear that the title acquired thereby to all or any part of such land for the use of said City of Denver, or if said assessment shall fail or be deemed

defective, the said City of Denver may proceed and perfect such title by procuring an ascertainment of the compensation proper to be made to any person who has title, claim or interest in, or lien upon such lands, and by making payment thereof in the manner hereinbefore provided, as near as may be, and at any stage of such new proceedings, or of any proceedings under this article, the Probate Judge may by rule in that behalf made, authorize the said City of Denver, if already in possession, and if not in possession, to take possession of and use said premises during the pendency and until the final conclusion of such proceedings, and may stay all actions and proceedings against said City of Denver on account thereof; *Provided*, said City of Denver shall pay a sufficient sum into the hands of the Probate Judge, or give sufficient security to pay the compensation in that behalf when ascertained, it shall be lawful for the owners to conduct the proceedings to a conclusion, if the same shall be delayed by the City of Denver.

Compensation of appraisers

SEC. 3. The said appraisers shall receive two dollars per day as compensation for each day actually employed, such compensation to be taxed and allowed by the Probate Judge. If any appraiser so appointed shall die, be unable or fail to serve, the Probate Judge may appoint another in his place on reasonable notice of the application, to be approved by the Probate Judge.

SEC. 4. No action shall be taken to acquire title for the purposes contemplated in this article, unless ordered by a two-thirds vote of all the Aldermen elect.

ARTICLE IX.

GENERAL TAXES.

SECTION 1. The City Council shall have power and authority to levy taxes for city purposes upon all

the taxable property, real, mixed and personal, within the limits of the city, not exceeding in the total levy for all purposes one and one-tenth per centum upon the total assessment of said property by the County Assessor of Arapahoe county, including the levy for the improvement fund hereinafter mentioned.

SEC. 2. It shall be the duty of said County Assessor, each year in making his return, to so designate the property situate within the limits of the City of Denver, that the County Clerk and Recorder of Arapahoe County may compute the total assessment within said city limits, to certify the same to the said City Council as hereinafter provided.

Certifying assessment.

SEC. 3. It shall be the duty of said County Clerk and Recorder, as soon as the assessment roll in each year is ready for the extension of taxes, to certify the total amount of property assessed within the city limits to the City Council, whereupon said City Council shall immediately proceed to make the proper levies, in mills, upon the dollars valuation, limited as above as to the total levy, and cause the total levy to be certified to the said County Clerk and Recorder, who shall extend the same upon the tax list of the current year in a column headed "Denver City taxes," in the same manner as other county and Territorial taxes are extended, carrying said city tax into the general total with said county and Territorial taxes, and shall include said city taxes in his general warrant to the County Treasurer for collection.

Collection of taxes.

SEC. 4. It shall be the duty of the Treasurer of said Arapahoe County, and he is hereby authorized and empowered to collect the said city taxes in the same manner and at the same time as the said county and Territorial taxes are collected. And all laws of the Territory for the assessment and collection of general taxes shall apply and have as full ef-

fect for the collection of taxes for the City of Denver as for such general taxes, except as modified by this act. The said County Treasurer shall, at the close of every month, and oftener if the City Council so determine by ordinance, pay over to the City Treasurer of Denver all moneys so by him collected, taking the City Treasurer's receipt therefor, and report the same forthwith to the City Clerk. The said County Treasurer shall give bond to the said City of Denver in such penal sum as the City Council may by ordinance determine, with two or more good and sufficient sureties, to be approved by the City Council, for the faithful performance of his duties under this act.

SEC. 5. The City Clerk of said City of Denver shall, immediately upon the receipt of the report of a payment to the City Treasurer, as provided in the foregoing section, proceed to apportion the money so paid to the several funds, in accordance with the original levy, and certify the same to the City Treasurer, that he may be enabled to credit the same to the appropriate funds.

SEC. 6. The City Council shall in each year make such allowance, to be paid out of the general fund, to the said County officers, as shall be a reasonable and just compensation for the extra labor imposed upon said officers by this act. And shall also make an allowance to be paid out of the general fund, to the County of Arapahoe, for the city's proportion of the expense of advertising the sale of lands for delinquent taxes in each year, the amount to be certified to the City Council by the Clerk and Recorder of said county.

SEC. 7. The City Council in its levy of taxes for city purposes shall in such levy include an amount sufficient for the purpose of grading and repairing streets, constructing and repairing sidewalks, setting out parks and ornamenting the public squares within the City of Denver. Such tax shall not exceed two

mills per centum upon the total amount of property assessed within the city limits as certified to the City Council, by the County Clerk and Recorder of Arapahoe County.

SEC. 8. The City Clerk shall upon the receipt of the report of the County Treasurer of a payment of any moneys into the City Treasury, as is provided by section five of this article, proceed to apportion the said per centum of the money so paid to a separate fund, in accordance with the levy therefor, and shall certify the result of his apportionment to the City Treasurer. The City Treasurer shall upon the receipt of said report immediately place to the credit of said fund which shall be designated as "the improvement fund," the amount so certified to him by the City Clerk, and shall not pay the same out only upon warrants legally drawn upon said fund by the City Council.

SEC. 9. The City Council shall draw warrants upon said fund only for the purposes enumerated in section seven of this article, save and except that the said fund shall bear its proportionate share of the expense of assessing and collecting the same, which shall be paid by a warrant drawn by the City Council thereon, and all improvements made under this article shall be ordered only by a vote of two-thirds of all the Aldermen elect.

ARTICLE X.

POLICE.

SECTION 1. At the first meeting of the City Council after the election and installation of a new Mayor, the Mayor shall, by and with the advice and approval of a majority of the Aldermen elect, appoint for merit one of the regular policemen Chief of Police, to hold his said office during the term of office of the Mayor appointing him, unless sooner removed for cause, as shall be determined by ordinance. Appointment of Chief of Police

SEC. 2. The duty of the Chief of Police, and of each member of the police force, shall be under the direction of the Mayor and in conformity with the ordinances of the city, to suppress all riots, disturbances and breaches of the peace; to apprehend any and all persons in the act of committing any offense against the laws of the Territory, or the ordinances of the city, and forthwith bring such persons before a police magistrate, or other competent authority, for examination, and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare, as the City Council may ordain, and may, upon view, arrest any person or persons who may be guilty of a breach of any of the ordinances of the city, or of any crime against the laws of the Territory, and are hereby empowered to serve all process issued by any police magistrate, or by any Justice of the Peace in criminal matters within the limits of the city.

SEC. 3. The Chief of Police and members of the regular police force shall receive such compensation in a fixed salary from the city for their services as the City Council may from time to time determine. But they shall receive no fees in any cases tried for violations of the city ordinances, or for any crime against the laws of the Territory.

ARTICLE XI.

CHERRY CREEK.

Changing the channel

SECTION 1. The City Council of Denver shall have power and authority to provide for changing and turning the channel and bed of Cherry Creek, by a dam across the same, and by digging out and the maintenance of an artificial channel, canal or ditch, upon such line outside the territorial limits of the Congressional grant to the said city, or the territorial limits of the said city as at present defined, as

the City Council shall deem most feasible, so as to direct the flow of water from the natural channel of said creek, or from such part of said channel as may be designated by said City Council. *Provided*, That the channel of said creek shall not be turned from its natural course at any point or place on said creek more than three miles above the intersection of Larimer street, in said city, with the present bed of Cherry creek.

SEC. 2. Before the City Council shall provide for changing and turning said creek, as provided for in section one (1) of this article, the City Council shall cause surveys of the proposed change to be made as well as estimates of the cost of such change, by each route or line surveyed, and shall adopt such survey or line for such artificial channel, canal or ditch, as shall seem most desirable.

Condemnation of lands

SEC. 3. After the adoption of the line of such artificial channel, canal or ditch, as is provided for in section two (2) of this act, the City Council may proceed, in the name of the City of Denver, to acquire the right of way for such channel, canal or ditch and dam, and if necessary, may proceed to condemn such lands as may be requisite for the said artificial channel, canal or ditch and dam. *Provided*, That the right of way for the said artificial channel, canal or ditch, shall not exceed two hundred feet in width.

SEC. 4. The City Council shall have power and authority to condemn, and appropriate in fee to the use of the city, the strip of land within the bed of Cherry creek, as defined by the City Council, from the boundary of the Congressional grant to the said city, at its southerly line, to the place where it meets the South Platte river, by paying the legal owners of any and all parts and portions thereof due compensation therefor, according to their respective interests therein; and when condemned and paid for,

the City Council may hold the said strip of land so condemned, or any part thereof, or may sell and dispose of the same, or each or every part thereof, on such terms, and at such times as said City Council may elect.

SEC. 5. After the said channel, canal, or ditch, provided for herein shall have been definitely located, the City Council shall have the power to bargain for and to receive in the name of the City of Denver, good and sufficient deed or deeds of conveyance of and to the strip of land between the termini of said artificial channel, canal, or ditch, one hundred feet each way and upon each side of the center of said artificial channel, canal, or ditch, and such land and the artificial channel, canal, or ditch, when constructed, shall be the public property of the city, and shall be kept open and in repair by the city.

SEC. 6. The City Council shall have power to make and construct said artificial canal or ditch and dam, either in whole or in part, outside the corporate limits of the City of Denver, and any appropriations or expenditures of money from the city treasury, made by the City Council for the purposes of this act, shall be lawful, although expended for work done outside of, or for materials to be used outside of, or beyond the corporate limits of the city.

Right of ...

SEC. 7. Proceedings for the condemnation of the right of way for said artificial channel, canal or ditch, as also proceedings for the condemnation and appropriation of the strip of land described in section four (4) of this act, and the assessment of the damages therefor, shall be had in the manner and under the conditions now provided by law for the condemnation of realty by railroad and ditch companies, for the purpose of said companies.

ARTICLE XII.

SOUTH PLATTE RIVER.

SECTION 1. The City Council shall have power to fix and define the boundaries of the channel of the South Platte river, within the corporate limits of the city, and to remove obstructions therefrom, and to prevent persons from obstructing the same in such way and manner as may be provided by ordinance.

ARTICLE XIII

CONCLUSION.

SECTION 1. This act is hereby declared to be a public act, and may be read in evidence in all the courts of law and equity within this Territory without proof.

SEC. 2. All acts or parts of acts coming within the provisions of this charter, or contrary to, or inconsistent with, its provisions, are hereby repealed, but nothing contained in this act shall in any manner affect or impair any proceeding had or done under the acts to which this is an amendment, or any rights or privileges acquired under said acts, and this act may be repealed, altered, or amended by the Legislature at any time hereafter. Repeal of prior acts

SEC. 3. This act shall take effect and be in force from and after April 1, 1874.

Approved February 13th, 1874

AN ACT

To amend an act entitled "An act to incorporate the town of Georgetown," approved January 10th, 1868.

Be it enacted by the Council and House of Representatives of Colorado Territory, That an act entitled "An act to incorporate the town of Georgetown," approved January 10th, 1868, be and the same is hereby amended as follows, to wit. That the Board of Selectmen authorized to enforce street tax

Selectmen of Georgetown are hereby authorized to enforce the payment of any street tax that they may levy, not to exceed two dollars and fifty cents on every male inhabitant as provided in section one of article eight (8) of the charter of Georgetown, by fine or imprisonment or both, as may be provided by ordinance.

Further powers of selectmen

SEC. 2. The Board of Selectmen of Georgetown shall have power to define and fix the boundaries of the channel or channels of Clear Creek within the corporate limits of said Georgetown, and to remove obstructions therefrom, and to define the depth and width of the channel or channels of said Clear Creek, and to prevent persons from obstructing the same, and to acquire the title of said Creek for the benefit of the inhabitants of said Georgetown, and to cause the damage resulting from the appropriation of the same to public use to be assessed and paid to the parties claiming and sharing title thereto, in such way and manner as may be provided by ordinance.

SEC. 3. That section seven (7) of article eight (8) of the charter of Georgetown be and the same is hereby repealed; *provided*, that such repeal does not affect any act done, or suit now pending in the District Court of Clear Creek County.

Concerning appeals to Probate Court

SEC. 4. Appeals shall be allowed from decisions in all cases arising under the provisions of this act or the act to which this act is an amendment, or any ordinance passed in pursuance therof, to the Probate Court of Clear Creek County, and every such appeal shall be granted in the same manner and with like effect as appeals are taken from and granted by Justices of the Peace under the laws of this Territory.

Police Magistrate

SEC. 5. It shall be lawful for the Police Judge to give such bonds, with such securities as are required by law from Justices of the Peace in this Territory, and on the filing of such bond the Police Judge shall have the same jurisdiction as is now conferred by

law upon other Justices of the Peace in this Territory, and all that part of section one (1) of article nine (9) of the Revised Statutes of Colorado concerning Justices and Constables which in any manner conflicts with this act be and the same is hereby repealed.

SEC. 6. That the Board of Selectmen shall have power to provide by ordinance for the appointment of a Town Marshal for Georgetown, and all acts and parts of acts that in any manner conflict with this act are hereby repealed.

SEC. 7. The Board of Selectmen of Georgetown shall have entire and exclusive control of the schools of said Georgetown; to erect, hire or purchase buildings suitable for school houses, and keep the same in repair; to buy or lease sites for school houses, with the necessary grounds; to furnish schools with the necessary fixtures, furniture and apparatus; to establish, support and maintain schools by levying a tax on all taxable property within the corporate limits of Georgetown, sufficient to defray all the necessary expenses of said schools as hereinbefore set forth; to declare the corporate limits of the town of Georgetown a school district, and to divide the same into two or more districts as circumstances may require, and generally have and possess all the rights, powers and authority necessary for the proper management of schools and the school lands and funds belonging to Georgetown, with power to enact such ordinances as may be necessary to carry their power and duties into effect. Schools.

SEC. 8. The Board of Selectmen shall appoint a committee consisting of three of their number, to be designated a "Board of Education," with powers to hire qualified and competent teachers, and to dismiss teachers for any dereliction or neglect of their duties. It will furthermore be the duty of said Board to visit the schools as often as in their judg- Board of Education.

ment they may think proper. They will also provide the schools with fuel and such other conveniences as may be necessary, and the said Board shall have power to expel scholars from said schools who may be guilty of gross disobedience or misconduct.

Issuance of bonds authorized

SEC. 9. The Board of Selectment may authorize the issuing of bonds not to exceed fifteen thousand ($15,000) dollars, the same to be used for the purchase of a school house site or sites, or the erection of a school house or school houses, *provided* that said Board of Selectmen shall submit the subject to the qualified voters of the Town of Georgetown at some regular town election, and that a majority of said voters shall vote for issuing such bonds.

Taxation

SEC. 10. The Board of Selectmen of Georgetown shall have power and authority to levy taxes on all taxable property situated within the corporate limits of Georgetown, on the assessment of the Assessor of Clear Creek County, in such manner and form as may be hereafter set forth.

SEC. 11. It shall be the duty of said County Assessor each year in making his return to so designate the property situated within the limits of the said Georgetown, so that the County Clerk and Recorder of Clear Creek County may compute the total assessment within the limits of the said Georgetown, to certify the same to the said Board of Selectmen as hereinafter provided.

County Clerk to certify assessment

SEC. 12. It shall be the duty of said County Clerk and Recorder as soon as the assessment roll in each year is ready for the extension of taxes, to certify the total amount of property assessed within the limits of Georgetown, to the Board of Selectmen, whereupon said Board of Selectmen shall immediately proceed to make the proper levies in mills upon the dollar valuation, and cause the total levy to be certified to the County Clerk and Recorder, who shall extend the same upon the tax list of the

current year, in a column headed Georgetown Taxes in the same manner as other county and Territorial taxes are extended, carrying said Georgetown tax into the general total with said county and Territorial taxes, and shall include said Georgetown taxes in his general warrant to the County Treasurer for collection.

Collection of taxes

SEC. 13. It shall be the duty of the Treasurer of Clear Creek County, and he is hereby authorized and empowered to collect the said Georgetown taxes in the same manner and at the same time as the said county and Territorial taxes are collected, and all laws of the Territory for the assessment and collection of general taxes shall apply and have as full effect for the collection of taxes for the town of Georgetown as for such general taxes except as modified by this act. The said County Treasurer shall at the close of every month, and oftener if the Board of Selectmen so determine by ordinance, pay over to the Town Treasurer of Georgetown all moneys so by him collected, taking the Town Treasurer's receipt therefor, and report the same forthwith to the Town Clerk. The said County Treasurer shall give bond to the Town of Georgetown in such penal sum as the Board of Selectmen may by ordinance determine, with two or more good and sufficient securities to be approved by said Board of Selectmen, for the faithful performance of his duties under this act.

Treasurer's compensation,

SEC. 14. The Board of Selectmen of Georgetown shall not allow the County Treasurer of Clear Creek County a greater sum than five per cent. for collecting the taxes of said Georgetown, and shall make allowance each year for compensation to other county officers for extra duties performed under this act, including pay for printing and advertising such part of delinquent tax list as may be due by Georgetown.

SEC. 15. That this act is hereby declared to be a public act, and may be taken in evidence in all courts of law and equity within the Territory without proof.

SEC. 16. That this act shall take effect and be in force from and after the first Thursday in April, A. D. 1874.

Approved February 3, 1874.

AN ACT

Changing the name of the town of Green City, in Weld County, to the name of Corona.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the name of Green City, in the County of Weld, and Territory of Colorado, be and is hereby changed to the name of "Corona."

SEC. 2. That this act shall take effect and be in force from and after the date of its passage.

Approved February 6th, 1874.

AN ACT

Concerning the Town of South Park City, and to change the name thereof to "Fairplay."

Be it enacted by the Council and House of Representatives of Colorado Territory, That the corporate name of the town of South Park City, in the County of Park, and Territory of Colorado, be and the same is hereby changed to the name of "Fairplay."

Conveyances of property legalized.

SEC. 2. The proceedings of the Board of Trustees of said town in conveying to the parties entitled thereto the lands held in trust by them under the act of Congress entitled "An Act for the relief of

the inhabitants of cities and towns upon the public lands," approved March 2d, A. D , 1867, and the act of June 8th, A. D., 1868, amendatory thereto, are hereby legalized and confirmed, and no insufficiency, irregularity, or informality whatever in the notice, or in any of the proceedings of said Board of Trustees shall be taken or allowed to invalidate the conveyances so made, and the title to the lands so conveyed is hereby declared to be vested for all purposes both in law and in equity in the grantees of said Board.

SEC. 3. This act is hereby declared to be a public act.

M. W. STEWART,
President of the Council.
D. H. NICHOLS,
Speaker of the House of Representatives.

[NOTE BY THE SECRETARY OF THE TERRITORY.—The foregoing Act having been presented to the Governor of the Territory for his approval and not having been returned by him to the House of the Legislature in which it originated, within the time prescribed by the Organic Act of this Territory, has become a law without his approval.]

AN ACT

To amend An Act entitled "An Act to Revive and amend An Act entitled "An Act Prescribing Rules and Regulations for the Execution of the Trust arising under the Act of Congress entitled "An Act for the Relief of Citizens of Towns upon Lands of the United States, under certain circumstances," so as to provide for the disposition of Lands and Lots in the town of Georgetown, under the Act of Congress entitled "An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands."

Be it enacted by the Council and House of Representatives of Colorado Territory, That section two (2) of said Act above named be amended by striking out the words "*at the rate of*," in the thirty-fourth (34)

line of said section, as published in the General Laws, passed at the Eighth Session of the Legislative Assembly of the Territory of Colorado, and inserting in lieu thereof the words "not to exceed."

SEC. 3. This act shall be in force and take effect from and after its passage.

Approved February 3, 1874.

AN ACT

To amend an Act entitled "Towns and Cities," approved January 10th, A. D., 1868.

Be it enacted by the Council and House of Representatives of Colorado Territory, That any city or town in this Territory organized, or that may hereafter be organized, under and by virtue of the provision of chapter eighty-four (84) concerning "Cities and Towns," or any incorporated town or city which has been duly organized and created by virtue of any special act of incorporation heretofore passed, shall hereafter have the right and privilege of purchasing or building and constructing all necessary ditches and flumes and of laying pipes from the place or stream where a supply of water may be had, to and through any such city or town, and shall have the right of way across any lands for such purposes. *Provided*, That no such right of way through the private property of any individual shall be allowed, except upon payment of or tender of a just and reasonable compensation for any damage or injury occasioned by the taking of such right of way, to the owner of such property.

Right of way

SEC. 2. That any such city or town shall have the right and privilege of taking water in sufficient quantity, for the purposes aforesaid, from any stream, creek, gulch or spring in this Territory. *Provided*,

Right to take water.

That the taking of such water in such quantity, shall not materially interfere with or impair the vested right or rights of any person or persons theretofore acquired, or corporation, residing upon said creek, gulch or stream, or doing a milling or manufacturing business thereon.

Regulating the issuance of bonds.

SEC. 3. That any such city or town, for the purpose of providing money for the purpose aforesaid, may issue its bonds, said bonds to bear interest at a rate not exceeding fifteen per cent. per annum, and none of said bonds to be made payable at a period longer than twenty years from the time the same are issued. *Provided*, That no such bonds shall be issued by such city or town, except upon presentation to the Mayor of such city or President of the Board of Trustees of such town, of a petition, subscribed by one hundred legal voters of such city or town, requesting such Mayor or President to submit the question of the issuance of such bonds, to the legal voters of such city or town; and thereupon such President or Mayor shall be authorized, within ten days after the presentation of said petition, to call an election for the submission of said question. *Provided, also*, the issue of said bonds shall be approved by a majority of the legal votes cast at such election, public notice of which shall be given at least three weeks prior to the day of such election, in some newspaper of general circulation in such city or town, said notice to contain full and complete information as to the amount of said bonds proposed to be issued, the purpose to which the proceeds of the same are to be applied, the length of time said bonds are to run, and the rate of interest said bonds shall bear. The election shall be conducted and the votes canvassed in pursuance of the law in reference to counties taking a vote on the issuance of railroad bonds, except wherein this act provides otherwise. If the majority of all the votes cast at such election be in favor of the issuance of the said bonds, it shall

be lawful for the City Council of such city, or the Board of Trustees of such town, so voting, to issue bonds, to cause said bonds to be issued, and negotiated; and with the proceeds thereof to build and construct, or purchase, all necessary flumes, ditches, canals, to lay water pipes for conducting and distributing water through any such corporation, and to provide all other useful appliances for the supply and distribution of water to houses, streets, mills, and other places within such city or town.

SEC. 4. The said right of way required for the use of said town or city, as aforesaid, may be obtained under section forty-eight (48) of chapter XVIII. of the Revised Statutes of Colorado, and any act or acts amendatory thereto.

Special tax to pay interest

SEC. 5. That whenever any such city or town shall issue its bonds as aforesaid, it shall be the duty of the City Council of such city, or Board of Trustees of such town, annually thereafter, so long as any of said bonds shall be outstanding, to levy upon the taxable property of such city or town, a special tax sufficient in amount to pay the accruing interest on said bonds, which tax shall be collected as other city or town taxes are, by law, and the proceeds thereof shall be paid in liquidation of the interest upon such bonds in the manner, at the time or times, and at such place or places as shall be provided therein; and in case any surplus of said tax shall remain in any year after paying such interest, the same shall be applied to the purchase of the said bonds for cancellation.

Limitation of levy.

SEC. 6. The Board of Trustees of every such town or the City Council of every such city, shall have the power to levy and collect annually, upon the assessed value of the real and personal property in such town or city, subject to taxation, in each year, in addition to the taxes authorized to be levied and collected by section first of article sixth of chapter

LXXXIV. (84), concerning "Towns and Cities," of Revised Statutes of Colorado, a tax not exceeding four mills on the dollar, for the purpose of liquidating the public debt of any such town or city, created by the issuance of such bonds. *Provided*, The provisions of this act shall not apply to the towns and cities in the counties of Arapahoe and Las Animas.

SEC. 7. This act shall take effect from and after its approval.

Approved February 11th, 1874.

AN ACT.

To amend an Act entitled "An Act to Incorporate the City of Central," approved March 11th, 1864.

Be it enacted by the Council and House of Representatives of Colorado Territory, That hereafter all warrants drawn on the Treasurer of said City of Central, issued by authority of the City Council of said city for the payment of the current expenses and debts of said city, and payable from the general fund of said city, if not paid upon presentation to the Treasurer thereof, shall draw interest at the rate of ten (10) per centum per annum from the time such warrants are presented, and shall be registered by the Treasurer of said city, in a book kept by him for that purpose, and the date of such presentation shall be noted on the face of such order or orders by the said Treasurer. Registration warrants.

SEC. 2. On the first day of January, in each year, all unpaid taxes of the preceding year shall become delinquent, and shall draw interest at the rate of eighteen (18) per centum per annum; but the City Collector shall continue to receive payments of the same, with interest, after they shall have become delinquent, and until the day of sale of property for taxes, and if the said taxes shall not be paid until Concerning delinquent taxes.

after the property of the delinquent has been advertised for sale for the non-payment of taxes, all costs of advertising and all other costs and charges caused by said delinquency shall be paid by said delinquent in addition to the taxes and interest thereon, if payment shall be tendered at any time before the property of the delinquent shall have been sold.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 6th, 1874.

AN ACT

For the relief of the town of South Pueblo, in the County of Pueblo, and Territory of Colorado.

Levy of special tax extended

Be it enacted by the Council and House of Representatives of Colorado Territory, That the Board of Trustees of the said town of South Pueblo be, and they are hereby authorized and empowered by ordinance to extend, *nunc pro tunc*, the levy of the two mill tax, made by said Board of Trustees, for the purpose of constructing and repairing the streets of the said town, on the fifth day of September, A. D., one thousand eight hundred and seventy-three, and which said levy was made upon the real estate in said town, only upon the personal property in said town, which was subject to said tax according to existing laws of Colorado Territory, and that said levy, when made as aforesaid, shall have fully the same force and effect, and be as valid as if the same had been made upon the real and personal property in said town, on the said fifth day of September, A. D., one thousand eight hundred and seventy-three, by the said Board of Trustees.

Object of this act

SEC. 2. That it is the purpose, intent and object of this act, to give to the said town of South Pueblo, all benefit, revenue and advantage that would, or

might have accrued to said town, if said levy had in the first instance been made upon the real and personal property in said town, in the first instance, and to make the collection of the said two-mill tax enforceable if need be, by lawful measures.

Duty of the Assessor.

SEC. 3. That the Assessor of said town of South Pueblo, who made the assessment of the real estate in said town, in the year 1873, shall make the assessment of the personal property which was in said town, and subject to the tax aforesaid; or, in case of his failure or refusal to act, the said Board of Trustees shall have power to appoint any suitable and competent person to make such assessment, and who shall receive his reasonable compensation therefor, to be fixed by said Board of Trustees.

SEC. 4. That the said assessment and collection of said taxes shall, as near as may be practicable, be governed by the general revenue laws of this Territory, except as is herein otherwise provided.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 9th, 1874.

AN ACT

To prohibit the Burying of the Dead within the limits of any City, Town or Village in certain Counties

Be it enacted by the Council and House of Representatives of Colorado Territory, That it shall not be lawful for any person or persons to bury the dead body of any human being within the limits of any city, town or village situated in the Counties of Douglas, Larimer, Weld, El Paso, Costilla, and Conejos, in the Territory of Colorado, and any person violating the provisions of this section shall be fined in a sum not exceeding one hundred (100) dollars.

SEC. 2. That for the purpose of carrying out the provisions of this act, the County Commissioners of the several counties hereinbefore mentioned shall have power and authority, and it shall be their duty at the next general session after the passage of this act, to designate and define the boundaries and limits of any town or village within the limits of their respective counties, not incorporated under the laws of this Territory.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved February 9th, 1874.

AN ACT

Concerning Unclaimed Freight.

Be it enacted by the Council and House of Representatives of Colorado Territory, When any goods, merchandise, or other property shall have been received by any railroad, or express company, or other common carrier, commission merchants, or warehousemen, and shall not be received by the owner, consignee, or other authorized person, until the expiration of thirty (30) days, it shall be lawful for the said carrier, commission merchant, or warehousemen to hold the same, or the same may be stored, with some responsible person, and be retained until the freight and storage, and all just and reasonable charges be paid by the owner, or consignee, or by some person for him, *provided, however,* that said railroads or express companies or other common carriers, commission merchants, or warehousemen, shall notify the owners or consignees of the receipt of such goods, merchandise, or other property, within three (3) days from the receipt thereof.

Owners and consignees to be notified.

SEC. 2. If no person having a right thereto call for said goods, merchandise, or other property,

When and how unclaimed goods may be sold.

within ninety days from the receipt thereof, and pay freight and charges thereon, it shall be lawful for such carrier, commission merchant, or warehouseman, to sell such goods, merchandise, or other property, or so much thereof, at public auction to the highest bidder, as will pay said freight and charges, first having given twenty (20) days' notice of the time and place of sale to the owner, consignee or consignor, if known, and by advertisement in a daily paper, (or if in a weekly paper four weeks), published where such sale is to take place; and, if any surplus be left after paying freight, storage, cost of advertising, and all other just and reasonable charges, the same shall be paid over to the rightful owner of said property at any time thereafter, upon demand being made therefor, within ninety (90) days.

Surplus paid to County Treasurer

SEC. 3. If the rightful owner, or his agent, fail to demand such surplus within ninety (90) days of the time of such sale, then such surplus shall be paid into the County Treasury, subject to the order of the owner; and if the owner do not demand such money of the County Treasurer within one (1) year, then the same shall be forfeited, and paid to the General School Fund of the county.

SEC. 4. After the storage of goods, merchandise, or property, as herein provided, the responsibility of the carrier shall cease, nor shall the person with whom the same may be stored be liable for any loss, or damage, on account thereof, unless the same shall result from his negligence, or want of proper care.

Concerning advances on goods

SEC. 5. When any commission merchant or warehouseman, shall receive on consignment, or on storage, produce, merchandise, or other property, and shall make advances thereon, either to the owner, or for freight and charges, and no time be agreed upon for the repayment of the same, it shall be lawful for the person who makes such advances, if the

same be not paid to him within ninety (90) days from the date of such advances, to cause the produce merchandise, or property on which the advances were made, to be advertised and sold as provided in the second section of this act; and if a time for the repayment of such charges be agreed upon, then such notice of sale may be made immediately upon default in such payment.

Perishable goods—how disposed of

SEC. 6. In case the goods, merchandise, or other property, referred to in the preceding sections, shall consist of articles which will perish, or become greatly damaged by delay in disposing of the same, then it shall be lawful for such carrier, commission merchant, or warehouseman, unless the charges on such goods are paid, and they are claimed and taken away, to sell all of the same, either at auction, or private sale, for the best price that may reasonably be obtained therefor, and to dispose of the proceeds of such sale as provided in section two (2) of this act; *Provided, always*, That before any such sale is made, notice shall be given to the owner, or consignee, or agent of him, of the intent to so sell and dispose of such goods, merchandise, or other property, and the time and place of such sale, either by personal notice, or by letter addressed and properly mailed to him, which said notice shall be given at least twenty-four (24) hours before said sale, if the consignee, or owner, or agent of him, so notified shall reside at the place where such goods are; but if the person to be so notified of such sale reside at a distance, then the time of such sale shall be so appointed in such notice as to allow him, in addition to the twenty-four (24) hours above mentioned, a reasonable length of time to claim such goods, or to attend such sale; and, if upon reasonable inquiry, the residence of such consignee, owner, or agent, cannot be learned, then upon the affidavit of such carrier, commission merchant, or warehouseman, or some person in his or

their behalf, to be filed and preserved by the carrier, commission merchant, or warehouseman, and by them to be produced and exhibited to any person claiming an interest in the goods sold, or to be sold, as aforesaid, such goods, merchandise, and other property, may be sold as aforesaid without notice.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

Concerning the University of Colorado.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the sum of fifteen thousand dollars (15,000) be, and the same is hereby, appropriated to aid in erecting buildings and making such other improvements on the grounds now belonging to said institution near Boulder, in the County of Boulder, in said Territory, as the Trustees thereof may deem necessary.

When appropriations may be drawn

SEC. 2. When the Board of Trustees of said University shall have raised by subscription, donation, or otherwise, the sum of ten thousand dollars ($10,000), in cash paid in to the Treasurer of said Board, then the Auditor shall draw a warrant upon the Treasurer of this Territory in favor of the Treasurer of said Board of Trustees, for the sum of ten thousand dollars ($10,000), and when said Board of Trustees shall have raised an additional sum of five thousand dollars ($5,000), in the manner above prescribed, then said Auditor shall draw a warrant upon the Treasurer of this Territory in favor of said Treasurer of said Board of Trustees, for the additional sum of five thousand dollars ($5,000).

SEC. 3. The affidavit of the President of said Board of Trustees that subscriptions have been made as

provided in section 2 of this act, and paid as aforesaid, shall be sufficient evidence of such fact, and before said warrants shall be drawn such affidavit shall be produced to the Auditor, accompanied by a bond signed and sealed by the Treasurer of said Board of Trustees, with good and sufficient securities, in the penal sum of thirty thousand dollars (30,000), to the people of the Territory of Colorado, conditioned that the money hereby appropriated shall be applied as provided in section one of this act.

Duty of the Governor in event of breach of foregoing conditions

SEC. 4. Such affidavit and bond shall be preserved by said Auditor, and in case of a breach of any of the conditions of such bond, it shall be the duty of the Governor of this Territory to have suit instituted for such breach against the obligors in said bond in the name of the people of the Territory of Colorado, and prosecuted to a final termination, and any and all money collected by reason of such suit shall be paid into the Territorial Treasury, and for any breach of such bond, the full penalty thereof may be recovered in any such suit.

SEC. 5. Each County shall be entitled to send one pupil under the age of sixteen years to said University, tuition free, said pupil to be selected by competitive examination before the County Superintendent of such County, and given to the highest scholarship.

SEC. 6. This act to take effect and be in force from and after its passage.

Approved February 6th, 1874.

AN ACT

To amend Chapter Eighty-nine (89) of the Revised Statutes of Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory, Section 2, as amended: The ton shall be twenty hundred pounds weight, avoirdupois.

SEC. 3, as amended: Sixty pounds of wheat, fifty-six pounds of rye, fifty-six pounds of Indian corn, seventy pounds of corn in the ear, forty-eight pounds of barley, thirty-two pounds of oats, sixty pounds of potatoes, sixty pounds of beans, sixty pounds of clover seed, forty-five pounds of timothy seed, forty-four pounds of hemp seed, fifty-two pounds of buckwheat, fourteen pounds of blue grass seed, fifty pounds of corn meal, fifty-seven pounds of onions, eighty pounds of salt, eighty pounds of lime, eighty pounds of mineral coal, respectively, shall be the standard weight of a bushel of each of the foregoing articles, and twenty-five hundred cubic inches of charcoal shall be the standard measure of a bushel; and a perch of stone in mason work shall be considered sixteen and one-half (16½) cubic feet, and for brick work measure, when laid up in wall, shall be counted twenty-two brick per cubic foot for foot wall, and fifteen brick for what is known as eight-inch wall; a common brick to be nine (9) inches long, four and one-half (4½) inches wide, and two and one-half (2½) inches thick; and water sold by the inch by any individual or corporation, shall be measured as follows, to-wit: Every inch shall be considered equal to an inch square orifice under a five inch pressure, and a five inch pressure shall be from the top of the orifice of the box put into the banks of ditch to the surface of water, said boxes or any dot or aperture through which such water may be measured, shall in all cases be six (6) inches perpendicular inside measurement, except boxes delivering less than twelve inches which may be square, with or without slides; all slides for the same shall move horizontally and not otherwise; and said box put into the banks of ditch shall have a descending grade from the water in ditch of not less than one eighth of an inch to the foot.

Charcoal, brick and stone.

Water.

SEC. 9. All persons, for the purpose of weighing or measuring goods, wares, merchandise, water or other

Penalty for violation.

articles of traffic, actually sold by him, not in accordance with this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof, may be imprisoned not exceeding one year, or fined not exceeding one thousand dollars, at the discretion of the court in which the conviction shall be obtained.

SEC. 12. All laws conflicting with this chapter, as amended, are hereby repealed.

SEC. 13. This act to be in force from and after March 1st, 1874.

Approved February 9th, 1874.

AN ACT

To amend an act entitled "An act to amend Chapter 89 of the Revised Statutes of Colorado Territory.

Be it enacted by the Council and House of Representatives of Colorado Territory, That section 3 of chapter 89 of an act entitled "An act to amend chapter 89 of the Revised Statutes of Colorado," be so amended as to make the brick hereafter manufactured in the Territory of the following dimensions so far as possible, viz: eight and one-half (8½) inches in length, four and one-quarter (4¼) inches in width, and two and three-eights (2⅜) inches in thickness.

Regulating the dimensions of brick.

SEC. 2. All acts and parts of acts conflicting with this act are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

Approved February 13th, 1874.

ACTS OF THE FORTY-SECOND CONGRESS

OF THE

UNITED STATES,

RELATING TO THE GOVERNMENT OF COLORADO TERRITORY.

AMENDMENTS TO THE ORGANIC ACT.

AN ACT

Amendatory of the Organic Law of Colorado Territory, and for other Purposes.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Organic Law of the Territory of Colorado be, and the same is hereby, so far amended that an appeal shall be allowed from any final order, judgment, or decree, of any Probate Court in said Territory, to the District Court of the District within which such Probate Court is held, under such proper regulations as shall be prescribed by the law of said Territory; and hereafter no writ of error or appeal shall be allowed from any decision of a Probate Court directly to the Supreme Court of said Territory.

SEC. 2. *And be it further enacted*, That the Legislative Assembly of said Territory may, by general incorporation laws, authorize persons to associate themselves together as bodies corporate for charitable or educational purposes."

Approved May 4, 1870.

AN ACT

To amend an Act entitled "An Act Amendatory of the Organic Law of Colorado Territory, and for other purposes," approved May fourth, eighteen hundred and seventy

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the first section of an act entitled "An Act amendatory of the Organic

Law of Colorado Territory, and for other purposes," approved May fourth, eighteen hundred and seventy, be, and the same is so far amended, that writs of error shall be allowed from any decision of a Probate Court to the Supreme Court of said Territory, in the same manner they were allowed before the passage of the act to which this is amendatory.

Approved July 14, 1870.

AN ACT

Amendatory of an act approved March second, eighteen hundred and sixty-seven, entitled "An act to provide a temporary government for the Territory of Montana," approved May twenty-sixth, eighteen hundred and sixty-four.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of an act approved March second, eighteen hundred and sixty-seven, entitled "An act amendatory of 'an act to provide a temporary government for the Territory of Montana,' approved May twenty-sixth, eighteen hundred and sixty-four," so far as relates to incorporations which have been, or which may hereafter be created and organized for the business of mining, manufacturing, or other industrial pursuits, or the construction or operation of railroads, wagon roads, irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any benevolent, charitable, or scientific association, and for all rightful subjects of legislation consistent with the Constitution of the United States, under the general incorporation laws of any Territory of the United States, shall be construed as having authorized and as authorizing the legislative assemblies of the Territories of the United States, by general incorporation acts, to permit persons to associate together as bodies corporate for the purposes above named.

Approved June 10th, 1872.

AN ACT

To provide for filling vacancies in certain offices in the several Territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any of the Territories whenever a vacancy shall happen from resignation or death during the recess of the legislative Council, in any office which, under the organic act of said Territory, is to be filled by appointment of the Governor, by and with the advice and consent of the Council, the Governor shall fill up such vacancy by granting a commission, which shall expire at the end of the next session of said legislative Council.

Approved June 8th, 1872.

AN ACT

Transferring the Control of certain Territorial Penitentiaries to the Several Territories in which the same are Located.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act entitled "An Act in relation to certain Territorial Penitentiaries," approved January tenth, eighteen hundred and seventy-one, placing the Penitentiaries in the Territories of Montana, Idaho, Wyoming and Colorado, under the care and control of the respective United States Marshals for said Territories, is hereby repealed, and the care and custody of said Penitentiaries, and the personal property thereunto belonging, and the use and occupation thereof, are hereby transferred to said Territories respectively, until otherwise ordered by the Attorney-General; *Provided*, That the legal title to said Penitentiary and property shall continue to vest in the United States; *And provided further*, That said Territories shall keep and maintain, in the Penitentiaries hereby transferred to their custody and control, all persons convicted in said respective Territories, of violations of the laws of the United States, and sentenced to imprisonment therefor, and all persons held to answer

for alleged violations of the laws of the United States in said respective Territories, at the rate and price, to be paid by the United States out of the judiciary fund; of one dollar per day for each person so imprisoned.

SEC. 2. That immediately after the passage of this act, the Attorney General of the United States shall cause to be transferred to the proper authorities of the Territories of Montana, Idaho, Wyoming and Colorado, the Penitentiaries and personal property connected therewith, situated in each of said Territories respectively.

Approved January 24th, 1873.

AN ACT.

To transfer the control of certain powers and duties in relation to the Territories to the Department of the Interior.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That the Secretary of the Interior shall hereafter exercise all the powers and perform all the duties in relation to the Territories of the United States that are now by law or by custom exercised and performed by the Secretary of State.

Approved March 1st, 1873.

Extracts from the general appropriation acts of the Congress of the United States, for 1872–3, U. S Stats. at Large, 1871–73

"For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses thereof, twenty thousand dollars. *Provided*, That hereafter no expense for printing exceeding four thousand dollars, including printing laws, journals, bills, and necessary printing of the same nature, shall be incurred for any session of the legislature of any of the Territories."

Approved May 8th, 1872.

"To enable the Secretary of the Interior to provide a law library for the Territory of Colorado, two thousand five hundred dollars, said library to be selected by the Chief Justice of said Territory."

Approved June 10th. 1872.

PRIVATE ACTS.

AN ACT

In relation to an adopted child of Aimee LeTestue, of Costilla County.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the male child now living with and adopted in the family of Aimee LeTestue, of Costilla County, December 1, A. D., 1873, called "John Francisco," whose name and parentage, when born, was Stutzman, shall hereafter be entitled to the name of "John Francisco LeTestue," and by that name he shall be known and called.

SEC. 2. That said John Francisco LeTestue shall be entitled to inherit the same interest in the estate, real and personal, of the said Aimee LeTestue, in the same manner as if he were the son and natural heir of the said Aimee LeTestue.

SEC. 3. This act shall take effect from and after the first day of May, A. D., 1874; *Provided*, That the said Aimee LeTestue shall, on or before the said first day of May, make and cause to be filed in the Probate Court of Costilla County, a written statement or declaration, under his hand and seal, showing his assent to, and acceptance of, the provisions and conditions of this act.

Approved February 3d, 1874.

AN ACT

To extend the time for the completion of the flume of the Swan River and Georgia Gulch Mining, Ditching and Fluming Company.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the time for the completion of the

flume of the Swan River and Georgia Gulch Mining, Ditching and Fluming Company be, and the same is hereby extended for the period of two years from the first day of September, 1874.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 10th, 1874.

AN ACT.

To change the name of Lucy Jane Underwood to Lucy Jane Summers.

Be it enacted by the Council and House of Representatives of Colorado Territory, The name of Lucy Jane Underwood is hereby changed to Lucy Jane Summers.

SEC. 2. This act shall take effect from and after its passage.

Approved February 3d, 1874.

AN ACT

For the relief of Calvin J. Peabody, and Jesse C Love, of Pueblo County.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the County Commissioners of the County of Pueblo in said Territory be and they are hereby authorized, if they see fit to release the said Calvin P. Peabody and Jesse C. Love from all liability on a certain recognizance entered into by John Waters and the said Calvin P. Peabody and Jesse C. Love for the appearance of the said John Waters before the District Court of the said County of Pueblo, to answer to a charge of larceny.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved February 9th, 1874.

AN ACT

In relation to an adopted child of Baxter B. Stiles and Caroline J. Stiles.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the female child now living with, and adopted by, Baxter B. Stiles and Caroline J. Stiles, of Arapahoe County, Colorado Territory, called "Birdie," whose further name and parentage are unknown, shall, hereafter, be entitled to the name of Caroline Lane Stiles, and by that name shall be known and called.

SEC. 2. That the said Caroline Lane Stiles shall be entitled to inherit the same interest in the estate, real and personal, of the said Baxter B. Stiles and Caroline J. Stiles, in the same manner as if she were the daughter and natural heir of the said Baxter B. Stiles and Caroline J. Stiles.

SEC. 3. This act shall take effect and be in force from and after the first day of May, A. D., 1874; *Provided*, That the said Baxter B. Stiles and Caroline J. Stiles shall, on or before the first day of May, make and cause to be filed in the Probate Court of Arapahoe County, a written statement or declaration under their hands and seals, showing their assent to, and acceptance of, the provisions and conditions of this act.

Approved February 13th, 1874.

AN ACT

To change the names of Jonathan Sanderson, of Arapahoe County, Territory of Colorado, to Alvin John Warren.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the name of Jonathan Sanderson, of the City of Denver is hereby changed to that of Alvin John Warren, by which name he shall be known in law and equity.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

To change the name of Nellie Augusta Stock.

Be it enacted by the Council and House of Representatives of Colorado Territory, That the name of Nellie Augusta Stock, who is now living with John H. Pickel, be and the same is hereby changed to Nellie Augusta Pickel, and by that name she shall hereafter be known and called.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 13th, 1874.

AN ACT

For the Relief of Marmaduke Green.

Be it enacted by the Council and House of Representatives of Colorado Territory, Whereas, Marmaduke Green was elected District Attorney for the Third Judicial District of Colorado Territory, at the general election of eighteen hundred and seventy, and whereas the salary of said Marmaduke Green for the time he so acted as District Attorney, is still due and unpaid, the sum of seven hundred and seven dollars be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay him the said Marmaduke Green, for his salary as said District Attorney, without requiring the certificate of the Judge of the District, as required by the Revised Statutes of Colorado.

SEC. 2. *And be it further enacted*, That the Territorial Auditor is hereby authorized and required to draw a warrant on the Territorial Treasurer for said amount in favor of said Marmaduke Green.

Approved February 13th, 1874.

MEMORIALS AND RESOLUTIONS.

MEMORIAL

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled: Your memorialists, the Legislative Assembly of Colorado Territory, would respectfully represent that a biennial session of forty days is entirely insufficient to enable the Territorial Assembly to properly consider and pass upon the multifarious questions that come before it touching the interests of our rapidly increasing population.

This brief space of time causes many imperfect and improper laws to be enacted for want of time, and prevents the consideration of many important questions that call for redress and direction at the hands of the Legislature.

Our extensive stock interest, spread over an area of millions of acres, is constantly assuming new phases which require appropriate legislation. Our school law is imperfect and inadequate to the wants of a school population that has increased one hundred per cent. in the last two years.

Our mining code is imperfect and demands deliberate legislation, while our agriculture, depending entirely on irrigation, is almost without law and requires the immediate and careful consideration of this body for the purpose of enacting a complete system of laws and regulations in a field somewhat new to American legislators, and we submit that a session adequate to our wants when we numbered but twenty thousand people is quite inadequate for a population of over one hundred thousand; under the circumstances the legislature at its present session finds itself laboring strenuously to effect in part a reform in the state of the laws at present in force, but owing to the limit of forty days allowed by law for the sitting of the

bodies, we find it will be impossible to deal with many subjects which are of vital importance to our people, and demand prompt attention. Your memorialists are satisfied that under the existing law it will be impossible for our people to secure needed legislation, and unless our session be extended by act of your Bodies many important interests must continue to suffer. Therefore we would respectfully and earnestly pray in behalf of the people of Colorado, that your Honorable Bodies will by early and appropriate legislation change the organic act of this Territory so as to prolong the sessions of the Territorial Assemblies of this Territory to sixty days, including the present session.

Resolved, That a copy of this joint memorial and resolutions be forwarded to the presiding officer of each House of Congress, and to Hon. J. B. Chaffee, Delegate to Congress for this Territory, and be it further

Resolved, That our Delegate in Congress be instructed to use all his influence to secure the object of this memorial.

Approved January 31st, 1874.

MEMORIAL.

To the Honorable, the Senate and House of Representatives of the United States of America in Congress assembled: Your memorialists, the Legislative Assembly of Colorado Territory, would respectfully represent:

That there is a large and increasing population in that section of Colorado, lying between Trinidad and Chapman's ranch on the Purgatoire river, and that the mail service for that region is inadequate to the wants of the people. Your Memorialists, therefore, would respectfully pray that a mail route be established between Trinidad and Chapman's ranch, and that service be ordered thereon at least as often as once a week, and that postoffices be established at LasTijeras, at Jaramillos and at Chapman's ranch, and be it

Resolved, That a copy of this Joint Memorial and Resolutions be forwarded to the presiding officer of each House of Congress, and to the Postmaster General, and to Hon. J. B. Chaffee, Delegate in Congress from this Territory. And be it

Resolved, That our Delegate in Congress be instructed to use all his influence to secure the object of this memorial.

Approved February 2, 1874.

MEMORIAL.

To the Honorable, the Senate and House of Representatives of the United States of America in Congress assembled: Your memorialists, the Council and House of Representatives of the Territory of Colorado, respectfully represent:

That the citizens of this Territory have long and seriously suffered from the want of increased and cheaper facilities of communication and transportation between the Territory of Colorado and the Territory of Utah. The interests of commerce, and the general prosperity, require that this want should be supplied without unnecessary delay; and to meet it, the building of a railroad has become indispensable. To this end, a corporation, known as the "Pueblo and Salt Lake Railway Company," has recently been organized, with authority to construct a road from a point at or near Grenada, in Bent County, Colorado, west, by way of Pueblo, in said Territory, to Salt Lake City, in the Territory of Utah. Regarding a railroad between these points, as demanded, not for the promotion of mere private ends, but in view of the great public good that would be subserved by its construction, we deem it within the scope of our duties as representatives of the people, to urge and encourage its completion.

Nor is the General Government without interest in the enterprise. Among its most obvious and certain results, would be the enhancement in price of the public domain through which it would pass; the most of which is now practically inaccessible, and without appreciable value.

For these reasons, your memorialists would respectfully urge upon your Honorable Bodies, the enactment of a law granting the right of way to the width of 50 feet on each side of the center of said road, through the public lands, to the said "The Pueblo and Salt Lake Railway Company," its successors or assigns, for the construction of a railroad between the points aforesaid.

Approved February 2, 1874.

The State Historical Society of Colorado

MEMORIAL.

To the Honorable, the Senate and House of Representatives of the United States of America in Congress assembled: Your memorialists, the Council and House of Representatives of the Territory of Colorado, respectfully represent:

That owing to the rapid increase of our population and trade, an imperative demand has arisen for an increase of Judges; that three Judges are incapable of performing the duties which are constantly multiplying on their hands; that the holding of the District Courts occupies ten months of the year; and that but two months are left for transacting the business of the Supreme Court.

That many of the causes in our courts involve vast interests and intricate legal questions, and necessarily take up a long time in the trial and disposition of the same; that notwithstanding the constant and unremitting labor of our Judges, the dockets are becoming more and more crowded with cases, which the public good, and the general prosperity demand should have a hearing.

We would further represent that at the time of the passage of the Organic Act for the government of this Territory, our population was small; and that during the past thirteen years it has increased very largely; that the business in our courts has increased ten fold; that a system which compassed the wants of twenty thousand people, is totally inadequate to the growing necessities of a population already numbering one hundred and twenty-five thousand people, and steadily augmenting.

The cost of this increase of the Judicial force will be comparatively small, while the gain to our people will be immense.

For these reasons, your memorialists would respectfully urge upon your honorable bodies, a change in the Organic Act of this Territory, so that the number of Judges may be increased from three to five.

Approved February 2nd, 1874.

MEMORIAL.

To the Honorable, the Senate and House of Representatives of the United States of America in Congress assembled: Your memorialists, the Council and House of Representatives of the Territory of Colorado, respectfully represent:

That the citizens of this Territory, but more especially of the southern portion, have long and seriously suffered from the want of cheaper, more expeditious, and more certain methods of communication and transportation between the Territory of Colorado and the centres of commerce in the Mississippi Valley and in the East.

Commercial interests and the promotion of the general prosperity of the Territory require that this demand of such increased facilities should be met most expeditiously; to that end, the building of a Railway, and establishment of a line of Telegraph has been determined upon, and a corporation known as the "Las Animas County Railway and Telegraph Company," has been organized with full power to construct a road from a point at or near Fort Lyon, in the County of Bent, in said Territory, there connecting with the Kansas Pacific, and Atchison, Topeka and Santa Fe Railroads, with their termini at St. Louis, to Trinidad, in the County of Las Animas, Territory aforesaid, and there connecting or intersecting with the Denver and Rio Grande Railroad with its northern terminus at Denver. The great good to be accomplished by this projected line of road is that it brings quickly and readily into the market our vast productions of wool, cattle, hides, and other results of our pastoral husbandry, and also will enable us to utilize the vast deposits of coal, iron, and ores of a most valuable quality and character common to that section of country. Also making accessible and desirable for purposes of agriculture, an illimitable area of land hitherto, and now lying idle, and greatly increasing our population, and adding largely to the revenue of the general government, and of the Territory.

In view of all this, as representatives of the people, we deem it not only our duty, but our right, to ask of your Honorable Bodies your encouragement and assistance; and for that purpose your memorialists would respectfully request of your

Honorable Bodies the enactment of a law granting the right of way to the width of one hundred feet on each side of the center of said road, through the public lands to the said Las Animas County Railway and Telegraph Company, its successors or assigns, for the construction of said road between said points.

Approved February 3, 1874.

MEMORIAL.

Relating to Taxing Railroad Lands.

To the Honorable, the Senate and House of Representatives of the United States of America in Congress assembled: Your memorialists, the Council and House of Representatives of Colorado Territory, would respectfully represent to your Honorable Bodies:

That not less than 3,000,000 acres, including some of the best and most valuable lands of this Territory, have been donated to railroad corporations, and are now held by them at prices varying from three to twelve dollars, and at an average of not less than six dollars per acre; that such lands are rapidly increasing in value by reason of the rapid increase of settlements upon adjoining lands, and the consequent construction of roads, bridges and other public improvements, all of which are being constructed at the expense of the settler, without the aid of such corporations and without the aid which ought to be derived from the taxation of lands belonging to them, and others equally benefitted by such expenditures. That while said corporations claim to own and continue to sell such lands, they yet refuse to take out patents for the same, leaving the title nominally in the government, yet practically and beneficially in themselves, and thus, by a legal technicality, escape taxation for the support of a government, the full benefits of which they enjoy.

Thus have these companies, by holding the lands at exorbitantly high prices, and refusing to share in the burdens attendant upon the settlement of the country, not only obstructed

the sale of all lands, but have greatly increased the burdens of the settler by shirking the burdens which but for a technicality, they must have borne, and from which they derive equal benefits with the settlers.

Your memorialists, therefore, in view of the premises, would respectfully ask of your honorable bodies such legislation as may be proper, either compelling such corporations to take out patents, or by taxation of the initiatory title of such corporations, so that such corporations shall be compelled to contribute to the support of a government whose protection they enjoy, and not be suffered to grow rich by the enhanced value of their lands at the expense of the farmer and the mechanic, while refusing to unite with them in bearing the burdens incident to the settlement of the country; and therefore

Resolved, That a copy of this joint memorial and resolutions be forwarded to the presiding officers of each House of Congress, and to Hon. Jerome B. Chaffee, Delegate in Congress from this Territory, and be it further

Resolved, That our Delegate in Congress be instructed to use all his influence to secure the object of this memorial.

Approved February 6, 1874.

MEMORIAL.

For the Construction of a Wagon Road from Rollinsville, in Gilpin County, *via* the Boulder Pass, through the Rocky Mountains, to the eastern line of Utah Territory.

To the Honorable, the Senate and House of Representatives of the United States of America in Congress assembled: Your memorialists, the Council and House of Representatives of Colorado Territory, beg leave to most respectfully represent:

That great necessity exists for the construction of a Wagon Road from Rollinsville, in Gilpin County, *via* the Boulder Pass through the main range of the Rocky Mountains, through the Middle Park, Gore Pass, Egeria Park, Snake, Bear, and to White River, and Ute Indian Agency, in Summit County, in said Territory. The opening of said Road will greatly facilitate the transportation of Indian goods and supplies to said

Agency, and very much reduce the expense thereof to the general government. It will also hasten the settlement of Middle Park, and the rich agricultural and pastoral country of Snake, Bear and Elk Rivers, and aid in the development of their remarkable mineral and other resources. The distance from Rollinsville to the White River Agency, by this route, is not more than one hundred and twenty-five miles, or from Denver, one hundred and seventy-five miles.

In view of the facts above set forth, and the great benefits that will inure therefrom to the general government, and to the Territory of Colorado, your Memorialists pray that a liberal and reasonable appropriation be made from the Treasury of the United States, by your Honorable Body, to the Rollins Wagon Road Company, for the construction of said Wagon Road above described.

Approved February 6, 1874.

MEMORIAL

To the Honorable, the Senate and House of Representatives of the United States of America in Congress assembled: We, your memorialists, the Council and House of Representatives of Colorado Territory, would respectfully represent to your Honorable Bodies that, owing to the scarcity of currency, and the fluctuations thereof, the mining industry of this Territory is suffering an immense loss.

We would further represent that Colorado produced in gold and silver bullion in 1870, $3,675,000; in 1871, $4,663,000, in 1872, $4,661,465. That the bullion product of the Territories of New Mexico, Wyoming, and Utah, would be tributary to the Denver Mint, and that together with Colorado, produced in gold and silver bullion, in 1870, $5,475,000; in 1871, $7,163,000; in 1872, $7,306,749; in 1873, estimated $10,000,000.

We would further represent that the expense attending the shipping of our bullion to the east, causes a loss of from thirty to forty days before receiving returns, and is extremely onerous and burdensome upon both miner and ore reducer; and that

we sincerely believe that the establishment of coinage at the U. S. Mint in Denver would relieve us from these burdens, and would give us a ready, specie paying, ore market.

We would, therefore, ask of your Honorable Bodies, the passage of an act authorizing coinage at the said Mint, and also an appropriation for the purpose of carrying out the provisions of the same.

Resolved, That copies of this Memorial be forwarded by the Secretary of this Territory to the President of the Senate and the Speaker of the House of Representatives of the United States, and to our Delegate in Congress.

Approved February 6th, 1874.

MEMORIAL.

To the Honorable, the Senate and House of Representatives of the United States of America in Congress assembled: Your Memorialists, the Legislative Assembly of Colorado Territory, would respectfully represent:

That there is a large and increasing population in Conejos County, in Colorado Territory, and that the mail service for that County is inadequate to the wants of the people; your Memorialists, therefore, would respectfully pray that a mail route be established from the town of Conejos *via* Tierra-Amarilla to Elbert, points within the said Conejos County, and that tri-weekly service be ordered thereon at any early day; and be it

Resolved, That a copy of this Joint Memorial and Resolutions be forwarded to the presiding officer of each House of Congress, and to the Postmaster-General, and to Hon. Jerome B. Chaffee, Delegate in Congress from this Territory; and be it further

Resolved, That our Delegate in Congress be instructed to use all his influence to secure the object of this Memorial.

Approved February 9th, 1874.

MEMORIAL.

To the Honorable, the Senate and House of Representatives of the United States of America, in Congress assembled, Your memorialists, the Council and House of Representatives of Colorado Territory, beg leave to most respectfully represent:

That owing to the rapid settlement of the Territory of Colorado, and the consequent increase in the amount of land yearly entered in the several United States land offices in the Territory, the best agricultural, timber and coal lands within the limits of the Territory of Colorado are fast being pre-empted and passing into the hands of citizens; and, that while your memorialists are glad that such is the case, they think that now, while government land is yet obtainable, is the time for the selection of the seventy-two sections of land usually granted to new States for University purposes, upon their entering the Union.

Your memorialists would respectfully represent: That if the seventy-two sections of land usually granted to new States for a University, could be now selected and taken out of market, that such land would be very much enhanced in value by the time Colorado was admitted as a State, and that thereby a much larger fund for the support of a University could be had than would be possible if the selection was left to such time as when Colorado was admitted, and this additional value would be given to the lands so selected without any cost to the general government, or without working any injury to any citizen.

Your memorialists would therefore most respectfully ask for such legislation as would permit the Governor of the Territory of Colorado to select the seventy-two sections as aforesaid, and for an order to have the same withdrawn from pre-emption until such time as Colorado may be admitted as a State, when such lands would become available for the uses of a State University; and we, your memorialists, will ever pray.

Approved February 9th, 1874.

MEMORIAL.

For the Establishment of a Land District.

To the Senate and House of Representatives of the United States of America, in Congress assembled: Your Memorialists, the Legislature of Colorado Territory, by leave would respectfully represent:

That the establishment of a Land District of Colorado Territory, and the location of a Land Office at the town of Del Norte, in the County of Conejos, of this Territory, would greatly promote the interests of the people of the Counties of Conejos, Costilla, Saguache, and the large mining district now being opened in the San Juan and La Plata Mountains, and that portion of territory lately acquired by purchase from the Ute Indians. The said counties and mining district, now contain a population of about twenty thousand inhabitants, whose occupation is farming and mining, and who are directly interested in the location of a Land Office at the town of Del Norte, for the pre-emption and entry of their respective land and mineral claims. Your Memorialists further represent:

That the Sangre de Christo Range of Mountains separates the inhabitants of the aforesaid counties, from the town of Pueblo, now the nearest Land Office, where the residents of said counties can enter their respective claims, and said range of mountains being impassable generally from the month of November to the month of May.

In evidence of these facts, and in view of the great injustice, expense, and delay, to permanent residents of these counties, by compelling them to travel two hundred and fifty miles, or more, to the said town of Pueblo, over a range of mountains impassable during a large period of each year, we, your Memorialists, beg leave to urge the object of this Memorial, and in duty bound will ever pray.

Resolved, That copies of this Memorial be forwarded by the the Secretary of this Territory to the President of the Senate and Speaker of the House of Representatives of the United States, in Congress assembled, and to our Delegate in Congress.

Approved February 10th, 1874.

MEMORIAL.

To the Honorable, the Senate and House of Representatives of the United States of America in Congress assembled: Your memorialists, the Council and House of Representatives of Colorado Territory, most respectfully represent:

That the portion of Colorado lying easterly from the base of the Rocky Mountains, is arid, and generally incapable of cultivation, except by means of irrigation.

That the soils of this section are remarkable for their productiveness, when subjected to irrigation.

That the water supply of its rivers and smaller streams is abundant to reclaim a very large portion of this region.

That a system of irrigation that will meet the wants of our Territory will be too expensive and costly for either individuals, private corporations, Territorial or State governments, to successfully construct.

That the present agriculture of this region is confined to the immediate valleys of the water courses, where irrigating canals are of easy construction, and comparatively inexpensive, and it will remain so confined to these narrow limits, unless some extensive system of irrigation can be established.

That for these reasons this great area of land will remain unsold by the government for years to come, or perhaps forever, unless it can be made available to the agriculturist by irrigation.

That so remaining it will afford a comparatively safe refuge for depredating savages, and a "Dead Sea," between the armies of civilization.

That the public domain outside of the arid region subject to the homestead and pre-emption laws, is comparatively exhausted, and the tides of immigration westward, annually increasing in volume, are unable to make available, under these beneficent laws, the millions of acres of rich lands embraced in this region, by reason of the aridity of the climate, and their financial inability to construct adequate irrigating canals.

That no interest is more important to the nation than the development of its mineral resources.

Thousands of gold and silver mines are now unworked for lack of water to drive machinery to crush the ore. This can be secured only by government aid. Reservoirs constructed near the sources of mountain streams will furnish the necessary supply, and the water, after driving the stamp-mills at the mines, will flow onward, to enrich and fertilize the arid plains we are now seeking to reclaim for cultivation.

The policy of the government has always been one of liberality toward internal improvements.

The last Congress appropriated over six millions of dollars for river and harbor improvements, for the States east of the Mississippi.

That the aid we ask is an absolute necessity to this Territory, and will contribute largely to the general prosperity of the whole nation.

That the control of the water supply of this Territory, and its distribution for irrigation, should forever remain in the hands of the people, through their representatives, and should in no case or degree, be surrendered to individuals, or corporations.

Therefore your memorialists would most respectfully pray that a law be enacted by your Honorable Body, embracing the following general provisions:

First—To grant to our Territory either the proceeds of the sales of the public lands lying within the limits of our Territory, or a direct cash appropriation, to be devoted to the construction of irrigating canals and reservoirs for the reclamation of said arid and waste lands.

Second—That the construction and maintenance of irrigating canals and reservoirs shall be under the exclusive contro and direction of the Territory, or State, as sole owner thereof under such laws, rules and regulations as the legislature thereof shall from time to time provide.

Third—That the Territorial or State legislatures shall have power to make all needful rules and regulations, and take al needful steps for the proper construction and maintenance of such canals.

Approved February 12th, 1874.

MEMORIAL

To the Honorable, the Senate and House of Representatives of the United States of America in Congress assembled: Your Memorialists, the Council and House of Representatives of Colorado Territory, would respectfully represent to your Honorable Bodies, the necessity of the establishment of a new postal route and postoffices, as follows: Commencing and running from Trinidad, in Las Animas County, Colorado, down the Purgatoire river, by the way of William Hornis' and W. T. Burns' ranches, to the head of Purgatoire Cañon, in said County of Las Animas, to the store of T. B. Collier, with postoffices at Wm. Hornis', W. T. Burns' and the said T. B. Collier.

Your Memorialists would represent that there is along said proposed route a large and prosperous population, with heavy settlements at each of the above mentioned points, aggregating at least two hundred (200) families, and most of them from the States, and the nearest postoffice at present at Trinidad, twenty-five (25) miles away. It ought to be apparent at once to your Honorable Bodies the trouble and hardship that this want of postal facilities occasions, and the establishment of said route and officers [offices], with weekly mail service, would greatly relieve and benefit them. We therefore beg leave to urge the object of this Memorial for your most favorable and early consideration.

Resolved, Therefore, that copies of this Memorial be forwarded by the Secretary of the Territory to the presiding officers of the Senate and House of Representatives of the United States, and to our Delegate in Congress.

Approved February 12th, 1874.

MEMORIAL.

In relation to Irrigation.

To the Senate and House of Representatives of the United States of America in Congress assembled: Your Memorialists, the Council and House of Representatives of Colorado Territory, would most respectfully represent to your Honorable Bodies:

First—That there are throughout this Territory, many tracts of rich land, belonging to the Government, worthless without irrigation, yet so situated that water cannot be procured without expenditures beyond the means of ordinary settlers, and that the improvement and settlement of such lands would be alike beneficial to the Territory and to the Government of the United States.

Second—That your Memorialists believe that such improvement and settlement can only be generally secured by a donation of a portion of the lands benefited to such persons, or companies, as will supply water for their irrigation.

Third—For the purpose of securing the reclamation of such lands, your Memorialists respectfully ask that a law be enacted, granting to such person, persons, or company, under such restrictions as may seem just and proper, alternate sections of the land that can be irrigated by any ditch, or canal hereafter constructed, to the extent of six miles in width along the line of such ditch, or canal; that such ditch or canal to entitle it to receive a donation of land as aforesaid should be not less than ten miles in length, ten feet in width on the bottom, and three feet deep, with a fall of not less than one foot to the mile, and should be taken out from a stream affording sufficient water, over and above that previously appropriated, to fill such ditch, or canal, during the season in which water is required for irrigating purposes all of which should be fully proven, or properly certified, by some competent officer before title shall be given for the land granted. *Provided*, That this Memorial shall only apply to Southern Colorado, embracing the Counties of El Paso, Fremont, Pueblo, Bent, Huerfano, Las Animas, Costilla, Conejos, Saguache, Rio Grande, Hinsdale and La Plata.

Approved February 6th, 1874.

MEMORIAL.

For additional daily mail from Denver to Golden City, Black Hawk, and Central City, Colorado, and return.

To the Honorable the Postmaster General of the United States:

Your memorialists, the Council and House of Representatives of Colorado Territory, would respectfully represent:

That there are now two (2) daily mails from the Missouri River to Denver in Colorado Territory; that Central City and Black Hawk are in the heart of the oldest bullion producing region of the Rocky Mountains, and one which is now second to no other; that the Colorado Central Railroad now runs two passenger trains each day of the week each way over their road, which connects the towns named; that one daily mail is now carried each way between the points named; that the additional cost of an additional daily mail between these points would be very inconsiderable, while it would be of very great value and convenience to the business men of the cities named, and to the public generally.

Your memorialists would therefore, in consideration of these premises, respectfully ask for the establishment of one additional daily mail service.

Resolved, That copies of this joint memorial be forwarded to the presiding officers of each branch of Congress, to the Postmaster General, and our Delegate in Congress, Jerome B. Chaffee.

Approved February 13th, 1874.

CONCURRENT RESOLUTION.

Council Substitute for House Concurrent Resolution for Appointment of Territorial Centennial Board of Managers.

Resolved by the House of Representatives, the Council concurring: That the Governor of the Territory is hereby authorized to appoint, by and with the consent of the Legislative Council, a Territorial Board of Centennial Exhibition Managers, not to exceed seven (7) in number, whose duty it shall be to make such arrangements as will secure to our Territory a thorough representation of our varied and important industrial and productive interests at the Centennial Exhibition.

Approved January 24th, 1874.

HOUSE CONCURRENT RESOLUTION.

Resolved by the House of Representatives, the Council concurring, That a committee of three, consisting of two from the House, and one from the Council, be appointed to proceed to Cañon City to examine into the condition of our Territorial prisoners, with power to take testimony concerning alleged abuses and violations of law; also to examine the building and premises with a view to the economy and expediency of receiving the same from the general government; also to make inquiry into all matters connected with said institution pertaining to the interests of the Territory, and report at the earliest moment to this body.

Resolved further, That the sum of five hundred dollars or so much thereof as may be necessary, be and the same is hereby appropriated for the defraying of the necessary expenses of said committee, and the Territorial Auditor is hereby authorized to draw his warrant upon the Territorial Treasurer for the amount above named, and pay the same to the Secretary of the Territory for the purposes above specified.

Approved January 29th, 1874.

CONCURRENT RESOLUTION.

Council Concurrent Resolution No. 1, as amended and adopted by the Council and House of Representatives.

Resolved, the House of Representatives concurring herein, That one thousand copies of the report of the Territorial Superintendent of Public Instruction, and two hundred copies each of the Auditor's and Treasurer's Reports be printed for the use of the two Houses of this Legislature.

Approved February 6th, 1874.

CONCURRENT RESOLUTION.

Resolved, That a committee consisting of one member of the Council and two of the House be appointed by each House respectively, who shall cause a settlement to be made of the accounts of George T. Clark, Treasurer, and cause the proper entries to be made in the books of the Treasurer, preparatory to

the surrender of all moneys, books, papers, furniture and property in his hands as Treasurer, to his successor in office.

Approved February 6th, 1874.

JOINT RESOLUTION.

Council Joint Resolution No. 1, asking Congress to grant the right of way over the Public Lands to the Denver South Park, and Pacific Railroad Company.

First—Be it resolved by the Council and House of Representatives of the Legislative Assembly of the Territory of Colorado, That the Congress of the United States be, and it is hereby respectfully requested to grant the right of way over the public lands to the Denver, South Park and Pacific Railroad Company, a corporation duly organized and existing under the laws of the Territory of Colorado.

Second—That the Secretary of the Territory be directed to forward a certified copy of this Memorial to the President of the United States Senate, also one to the Speaker of the House of Representatives, and one to our Delegate in Congress.

Approved February 11th, 1874.

CONCURRENT RESOLUTION.

Be it resolved by the Council and House of Representatives of Colorado Territory: That the Secretary of this Territory is hereby instructed to have all the acts, joint resolutions and memorials passed by the Tenth Legislature of this Territory, copied, printed, and bound in pamphlet form, to the number authorized by his instructions from the United States, within ninety (90) days after the approval of this resolution.

Approved February 13th, 1874.

JOINT RESOLUTION.

Resolved by the Council, the House of Representatives concurring herein That two thousand (2,000) copies of the Report of the Board of Immigration, be printed for the use of the Legislature, and for general distribution.

Approved February 13th, 1874.

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